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VIOLENT CRIME IN POST-CIVIL WAR GUATEMALA:
CAUSES AND POLICY IMPLICATIONS

by

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March 2015

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Guatemala is one of the most violent countries in Latin America, and thus the world. The primary purpose of this thesis is to answer the following question: what factors explain the rise of violent crime in post-civil war Guatemala? The secondary focus of this thesis is to identify the transnational implications of Guatemala's violence for U.S. policy. Guatemala's critical security environment requires the identification of causal relationships and potential corrective actions. This thesis hypothesizes that the causes of violent crime in post-conflict Guatemala are the combination of weak institutional performance and social factors. Determining that Guatemala is not a consolidated democracy, this thesis concludes that a flawed judicial system, inadequate police reform, and weak civil control over the armed forces have a direct causal effect on violent crime in Guatemala. Furthermore, an analysis of social factors demonstrates that these are not causal in nature but rather influential elements in the occurrence of violence.

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VIOLENT CRIME IN POST-CIVIL WAR GUATEMALA: CAUSES AND POLICY IMPLICATIONS

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Guatemala is one of the most violent countries in Latin America, and thus the world. The primary purpose of this thesis is to answer the following question: what factors explain the rise of violent crime in post-civil war Guatemala? The secondary focus of this thesis is to identify the transnational implications of Guatemala's violence for U.S. policy. Guatemala's critical security environment requires the identification of causal relationships and potential corrective actions. This thesis hypothesizes that the causes of violent crime in post-conflict Guatemala are the combination of weak institutional performance and social factors. Determining that Guatemala is not a consolidated democracy, this thesis concludes that a flawed judicial system, inadequate police reform, and weak civil control over the armed forces have a direct causal effect on violent crime in Guatemala. Furthermore, an analysis of social factors demonstrates that these are not causal in nature but rather influential elements in the occurrence of violence.

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LIST OF ACRONYMS AND ABBREVIATIONS

AFLP	Agreement for a Firm and Lasting Peace
CARSI	Central America Regional Initiative
CAS	Security Advisory Council
CEH	Comisión para el Esclarecimiento Histórico
CIA	Central Intelligence Agency
CIACS	clandestine security organizations
CICIG	International Commission against Impunity in Guatemala
DHS	Department of Homeland Security
DOD	Department of Defense
EGP	Ejército Guerrillero de los Pobres
EIU	Economist Intelligence Unit
EMA	School for Military Aviation
ENG	Naval School of Guatemala
ESTNA	Foundation for the Institutional Development of Guatemala
ETMA	Technical School for Military Aviation
FAR	Fuerzas Armadas Rebelde
FONAZ	National Fund for Peace
FY	fiscal year
GDP	gross domestic product
IATF	interagency task force
ICJ	International Court of Justice
ISE	information sharing environment
ISI	import substitution industrialization
MOD	Ministry of Defense
MS-13	Mara Salvatrucha
NGO	non-governmental organization
OPRA	Organización del Pueblo en Armas
ORP	Office of Professional Investigations

PAJUST	Transitional Justice Program
PGT	Partido Guatemalteco de Trabajo
PME	professional military education
PNC	National Civil Police
RESDAL	Latin America Security and Defense Network
SAE	Secretariat for Strategic Analysis
SICA	Central American Integration System
UAC	unaccompanied alien child
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
URNG	Unidad Revolucionaria Nacional Guatemalteca
WTO	World Trade Organization

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I. INTRODUCTION

A. IMPORTANCE

Guatemala's security problems, particularly its violent crime and impunity, are a concern to the United States. The combination of the civil war's legacy of violence, a weak state, and modern security challenges creates a complex problem for Guatemala's way ahead. According to Congressional Research Service reports, transnational crime with roots in Guatemala is an area of focus for U.S. policymakers. Drug traffickers have effective control over more than half of Guatemalan territory, while the United Nations Office on Drugs and Crime (UNODC) estimates that gang affiliation increased from 14,000 to 22,000 members between 2007 and 2012.[1]

The primary purpose of this thesis is to answer the following question: what factors explain the rise of violent crime in post-civil war Guatemala? The secondary focus of this thesis is to identify the transnational implications of Guatemala's violence for U.S. policy. Guatemala's critical security environment requires careful study of empirical information through theoretical frameworks, leading to the identification of root causes and potential corrective actions.

While accounts of crime and violence in Guatemala are widely available, theoretical approaches designed specifically for this nation's security issues are rare. In examining the available theoretical frameworks, this thesis attempts to fill in analytical gaps and contribute to the academic literature dealing with Guatemala's violence problem and its transnational implications.

B. LITERATURE REVIEW

The majority of the literature concerning security issues in Guatemala is descriptive and based on journalistic and historical accounts. Various scholars, reporters, and international organizations have recounted in detail Guatemala's environment of

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[1] Clare Ribando Seelke, *Gangs in Central America* (Washington, DC: Congressional Research Service, February 20, 2014), 3, https://www.fas.org/sgp/crs/row/RL34112.pdf; Maureen Taft-Morales, *Guatemala: Political, Security, and Socio-Economic Conditions and U.S. Relations* (Washington, DC: Congressional Research Service, August 7, 2014), 9,14, http://fas.org/sgp/crs/row/R42580.pdf.

crime, violence, and corruption in order to bring awareness and further understand these problems. Only a few scholars, however, have formulated theories applicable to the explanation of Guatemala's challenges. Therefore, this literature review is divided into three parts. First, it provides an overview of theoretical frameworks relevant to Guatemala's security and justice problems. Second, it thematically compares approaches and arguments, and determines divergent and convergent ideas. Third, it identifies gaps in the discussed academic literature.

1.   Theoretical Frameworks

In "'Security Traps' and Democratic Governability of Latin America," John Bailey responds to the following question: "Why [have] political units (cities, regions, countries) and not others fall[en] into security traps in which crime, violence and corruption become mutually reinforcing in civil society, state, and regime and contribute to low quality democracy?"[2] He answers this question with two theoretical models: *positive equilibrium*, which relates to efficient relationships between democracy and the security sector, and *negative equilibrium*, which relates to security traps.[3]

Graham Ellison and Nathan W. Pino, in *Globalization, Police Reform and Development: Doing It the Western Way?,* promote a theoretical approach for understanding transnational crime and security based on the influences of neoliberalism and globalization. They discuss the impacts of the global economy network on the security sectors of developing countries.[4]

James Mahoney offers a theoretical model directed at understanding and contrasting Central America's various political outcomes. Mahoney's work attempts to identify the root causes of Central America's weak democracies, which one might argue is a contributing factor to Guatemala's security problems. The framework for Mahoney's

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[2] John Bailey, "'Security Traps' and Democratic Governability in Latin America: Dynamics of Crime, Violence, Corruption, Regime, and State," in *Criminality, Public Security, and the Challenge to Democracy in Latin America*, ed. Marcelo Bergman and Laurence Whitehead, 1st ed (Notre Dame, IN: University of Notre Dame Press, 2009), 251.

[3] Ibid., 252.

[4] Graham Ellison and Nathan Pino, *Globalization, Police Reform and Development: Doing It the Western Way?* (Basingstoke: Palgrave Macmillan, 2012).

theory is path dependency. The analysis of Mahoney's framework is based on three works from the author: *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America;* "Radical, Reformist and Aborted Liberalism: Origins of National Regimes in Central America"; and "Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective."[5]

In *Policing Democracy: Overcoming Obstacles to Citizen Security in Latin America,* Mark Ungar focuses on contemporary analyses, problem-solving approaches, and recommendations for comprehensive reforms in Latin America. Using a comparative perspective, he provides succinct theoretical insights into the origins of security problems in the region. Ungar's work is predominantly based on the evolution (or lack of) community policing and the relationship between citizen protection and democracy.[6]

In *Violence in Peace: Forms and Causes of Postwar Violence in Guatemala*, Heidrum Zinecker, a scholar from the University of Leipzig, provides a causal analysis of Guatemala's high levels of crime and violence. Zinecker theorizes that Guatemala has two sets of violence-enabling structures: *regime hybridity* and a *rent economy.* Furthermore, she asserts that crime prevention structures—such as the police force and judicial system—are weak and, therefore, contribute to the problem.[7]

2.   Thematic Arguments

A common feature in the described theories is spatial scale, which ranges from global to regional to country-centric frameworks. Ellison and Pino's theory has a global approach. They argue that neoliberal globalization has had "profound effects on security sectors of many nations that include the police, other criminal justice agencies and

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[5] James Mahoney, "Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective," *Studies in Comparative International Development* 36, no. 1 (2001): 111–141; James Mahoney, *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America* (Baltimore, MD: Johns Hopkins University Press, 2002); James Mahoney, "Radical, Reformist and Aborted Liberalism: Origins of National Regimes in Central America," *America Latina Hoy* 57 (2011): 79–115.

[6] Mark Ungar, *Policing Democracy: Overcoming Obstacles to Citizen Security in Latin America*, 1st ed (Washington, DC: Johns Hopkins University Press, 2011).

[7] Heidrin Zinecker, *Violence and Peace: Forms and Causes of Postwar Violence in Guatemala*, 1st ed (Frankfurt, Germany: Peace Research Institute of Frankfut (PFIF), 2006).

security organizations, militaries, and intelligence organizations."[8] They contend that globalization influences current security crises in developing countries. In contrast, Bailey, Mahoney, and Ungar use regional approaches in their theories. For these three scholars, comparing and contrasting is an important conjectural element as they devise hypotheses to explain regional problems. Bailey and Ungar explain the connection between democracy and security within the Latin American context while Mahoney focuses on Central America. Conversely, Zinecker's theoretical approach is country-centric, focusing exclusively on Guatemala. Similar to Mahoney, Zinecker makes comparisons within Central American countries but only to illustrate the unique character of Guatemala's situation; she does not formulate a general explanation for the entire region.[9]

The theories presented here are the work of respected scholars who have drawn from various methodologies. Mahoney's theory is based on the application of comparative historical research. For instance, in *Legacies of Liberalism*, Mahoney comparatively analyzes Guatemala, El Salvador, Costa Rica, Honduras, and Nicaragua. In *Policing Democracy*, Ungar constructs his framework on field research and case studies in Honduras, Bolivia, and Argentina. Bailey's Security Trap theory is comprehensive in nature and derived from empirical research in Latin American countries. Zinecker's work is the result of causal and socio-structural approaches taken from criminology and applied to Guatemala. Finally, Ellison and Pino's methodology is context sensitive, allowing transferability from country to country. They present seven case studies based on their theory: Afghanistan, Brazil, Iraq, Northern Ireland, South Africa, and Trinidad and Tobago.

Additionally, the reviewed scholars base their theoretical frameworks on different time periods. Ungar constructs his theory in a linear sequence. He distills policing into three consecutive stages. First, in the 1800s, police forces were limited to sub-regions and controlled by local leaders. Next, in the 1900s, police forces became a national priority, improving administration and professionalism, yet weakening citizen participation in

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[8] Ellison and Pino, *Globalization, Police Reform and Development*, 18.

[9] Zinecker, *Violence and Peace*, 2.

monitoring and preventing crime. Finally, in the 1960s and 1970s, community policing became prevalent in certain countries, and officers became more involved in their communities, earning the citizens' trust.[10] Ungar argues that Latin America did not reach the third stage, community policing, because twentieth-century military authoritarianism prevented it.[11] In contrast, Bailey hypothesizes that for most of Latin America, critical security problems trace back to times of independence, strengthening in later phases such as the populist import substitution industrialization (ISI) period.[12] Bailey briefly highlights the inevitable connection of historical events to modern realities: "The point to stress is that origins and trajectories figure fundamentally in current contexts of public security."[13] Unlike Ungar, Bailey does not divide Latin America's security trajectory into phases, but rather, he sees it as an aggregation of significant events.

Similar to Bailey's theory, Mahoney's path dependency arguments trace back to Latin America's liberal reforms. Arguably, Mahoney's model can be seen as a temporal construct. Mahoney explains that a "path-dependent approach emphasizes how actor choices create institutions at critical moments, how these institutions in turn shape subsequent actor behaviors, and how these actor responses culminate in the development of new institutional patterns."[14] Based on this sequential framework, Mahoney asserts the nineteenth-century liberal reform in Central America was the critical juncture that derived three major patterns of liberalism—radical, reformist, and aborted—to influence the various political regimes.[15] Mahoney's structural explanation of path dependency and outcomes in Central America is illustrated in Table 1.

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[10] Ungar, *Policing Democracy*, 4.

[11] Ibid.

[12] Bailey, "'Security Traps' and Democratic Governability," 260.

[13] Ibid.

[14] Mahoney, "Path-Dependent Explanations of Regime Change," 115.

[15] Mahoney, *The Legacies of Liberalism*, 4.

Table 1.   Path-Dependent Regime Outcomes in Central America[16]

	Liberal reform period			Legacies of liberal reform	
Antecedent conditions	**Critical juncture**	Presence or absence of serious foreign intervention	**Structural persistence**	**Reactive sequence**	**Outcome**
Nature of liberal-conservative cleavage; level of modernization	Adoption of radical or reform policy option by liberals		Production and reproduction of radical, reformist, or aborted liberalization	Relative prominence and success of democratization movements	Military authoritarianism, or traditional dictatorial regime

With regard to Guatemala, Mahoney claims that radical liberalism created the structural foundation for the development of an authoritarian military regime.[17] He further explains that liberals favored capitalist growth at the expense of land reform, which undermined peasants, created polarized social classes, and established militarized mechanisms.[18] Mahoney and Bailey contrast Ungar in attributing the period of liberal reform as the pivotal point for Guatemala; alternatively, Ungar believes structural changes started in the 1800s.[19]

The works of Zinecker and Ellison and Pino focus on contemporary elements influencing security. Specific historical periods are not a factor for Zinecker; however, she makes substantial references to Guatemala's weak democracy, which one could argue originated in the period of liberal reform. In this context, a precursor for Zinecker's theory could be the relative prominence and success of democratization movements as Ungar postulates (see Table 1). Conversely, Ellison and Pino's theoretical approach focuses on a specific modern-time period: neoliberal globalization.[20]

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[16] From Mahoney, "Path-Dependent Explanations of Regime Change," 115.

[17] Mahoney, "Path-Dependent Explanations of Regime Change," 119.

[18] Mahoney, "Radical, Reformist and Aborted Liberalism," 222.

[19] Ellison and Pino, *Globalization, Police Reform and Development*, 18.

[20] Ibid.

With the exception of Ellison and Pino's hypothesis, the level of democratic consolidation and the legacy of authoritarian regimes are principal themes among the scholars presented in this literature review. Mahoney suggests that, stemming from the liberal reform, the combination of polarized societies with militarized states became an impediment to the development of democracies.[21] Furthermore, Mahoney links the impacts of military authoritarianism to the 1990s when the United Nations (UN) recognized that 200,000 people had died during the Guatemalan civil war.[22] Therefore, Mahoney's theory is relevant in studying Guatemala because it gives an explanation for the persistence and influence of the military and class polarization in this nation, leading to high crime, violence, and impunity. Zinecker states that neither democracy nor authoritarianism creates violence.[23] Nevertheless, she explains that the highest levels of violence take place in semi-democracies or transitional democracies, which she calls hybrid regimes. She explains, "The possibility of a high intensity violence becomes reality when regime hybridity is present. This implies the existence of non-democratic regime segments such as political exclusion and the absence of the rule of law."[24] According to this definition, Zinecker argues that Guatemala is a classic hybrid regime.[25]

Likewise, Bailey and Ungar are interested in the relationship between democratic regime performance and the weaknesses of the security sector. In determining this relationship, Bailey offers a model applicable to Guatemala: negative equilibrium.[26] The structure of Bailey's negative equilibrium model, depicted in Figure 1, relates to security traps and relies on a corruptive feedback loop.[27]

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[21] Mahoney, "Path-Dependent Explanations of Regime Change," 119.

[22] Ibid., 128.

[23] Zinecker, *Violence and Peace*, I.

[24] Ibid., 39.

[25] Ibid., 21.

[26] Bailey, "'Security Traps' and Democratic Governability," 252.

[27] Ibid.
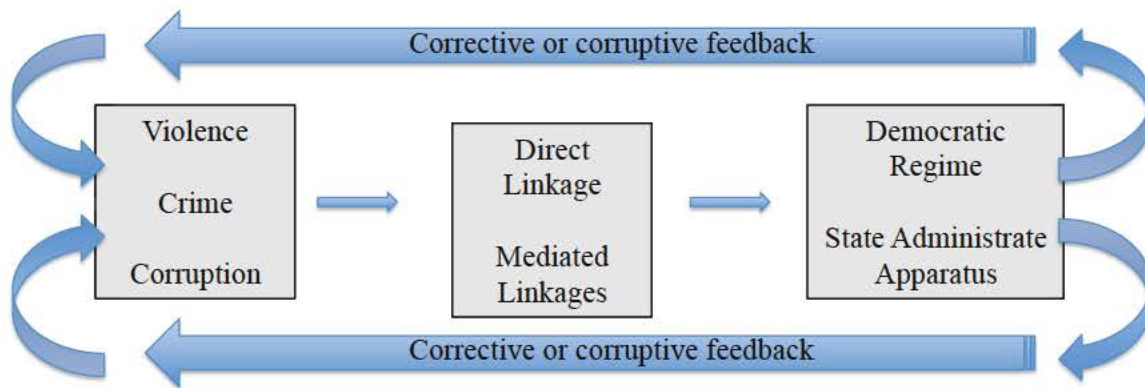
Figure 1.   Public Security, State, and Regime: Negative Equilibrium[28]

Overlapping clusters of the security sector (crime, violence, corruption, and impunity) are linked to the democratic regime or the state's administrative apparatus by two causal paths, direct and mediated linkages. Direct linkages include activities such as tax evasion or intimidation of officials, while mediated linkages refer to the consequences of crime, violence, and corruption on civil society and the civil society attitudes toward these actions.[29] Bailey points out that under negative equilibrium, "the legitimacy of the political unit is weak or absent. . . . In this model, elected and appointed officials, as a general practice, behave unethically and commit crimes or take the initiative to prey upon civil society in a variety of ways in order to extract resources or command obedience outside the formal law."[30] A quick assessment of Guatemala's democratic stability and effectiveness of the security sector, as well as possible corruptive feedback responses, indicates that this nation fits well under Bailey's model because of its direct and mediated linkages, such as political intimidation and low police performance.

In analyzing the relationship between citizen security and democratic regimes, Ungar argues that weak democracies promote security crises. He states, "Citizen security has become a crisis in Latin America, primarily by feeding off the weakness of

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[28] After Bailey, "'Security Traps' and Democratic Governability in Latin America: Dynamics of Crime, Corruption, Regime and State," 252; this reproduction is a simplified version of Bailey's graphic model.

[29] Bailey, "'Security Traps' and Democratic Governability," 253–256.

[30] Ibid., 256.

democracy."[31] Ungar's theoretical approach to the current security problem in Latin America takes into account the endurance of weak democracies as well as the region's inability to develop adequate police reforms after military authoritarianism.

Arguments based on low democratic consolidation and authoritarian legacy lead toward further analysis of institutional weakness. In regard to the security sector Ungar declares, "In Latin America the public is increasingly seeing policing as not simply discriminatory or derivational, as in the past, but also illegitimate and unpredictable. . . . As a result, people usually do what they can to avoid the police, even when they are crime victims or witnesses."[32] Furthermore, Ungar explains that former authoritarian regimes used the police force and judicial system to control and manage the population instead of combating and prosecuting crime. As countries transitioned to democracy, he argues, the police maintained rigid structures, which created inefficiencies in the security sector. By the 1990s, crime was at a critical level and the police force inadequacies required significant reforms.[33] Consequently, crime continues to be a critical problem even today.

Similarly, Zinecker maintains that although the security and judiciary sectors could prevent violence, they perform poorly. She contends that the police force is ill-equipped, under resourced, and corrupted.[34] Correspondingly, the judicial system, Zinecker argues, is understaffed, neglected, hierarchical, and bureaucratic.[35] Additionally, she points out that Guatemala's heavy hand, or *mano dura*, tactics and its military's constitutional right to be involved in domestic affairs weaken the security sphere.[36] Furthermore, Zinecker argues that these factors weaken institutional structures as retaliation and crime ultimately increases.[37] She concludes, "Every gap in the judicial

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[31] Ungar, *Policing Democracy*, 69.

[32] Ibid., 72.

[33] Ibid., 1; 4–5.

[34] Zinecker, *Violence and Peace*, 29–31.

[35] Ibid., 33–36.

[36] Ibid., 33.

[37] Ibid.

system means a possibility that, because the judicial sector performs poorly, the level of violence will rise because offenders who are not convicted immediately commit new offences."[38] Zinecker posits that impunity in Guatemala is rooted in the deficiencies of the security sector and the judicial system.

On this subject, Ellison and Pino completely diverge from earlier arguments on democratization, the legacy of authoritarian regimes, and weak security and justice sectors. These scholars state, "The more one reads about police reform in transitional contexts, states exiting from authoritarian rule, process of democratization, NGO [non-governmental organization] activity, donor aid and security sector reform, the more cynical one can become about the efficiency of such endeavors."[39] The economic dimension is at the center of Ellison and Pino's theoretical approach.

Three of the works analyzed in this review discuss security problems in terms of economic challenges. The most salient arguments in the economic dimension come from Ellison and Pino's *Globalization, Police Reform and Development*. These scholars assert that the dynamics of neoliberal globalization enhance social inequality and create opportunities for "increases in predatory crime, particularly in areas where there are high concentrations of young unemployed males."[40] Furthermore, they contend neoliberal globalization threatens the state's sovereignty, giving power to global allocators of capital such as the World Trade Organization (WTO).[41] Ellison and Pino indicate that global mechanisms make it possible for organized crime to align with the government, contributing to corruption.

Zinecker also makes an economy-based argument, not at the macro level, but country-specific. She explains that rent economy is a key factor underlying Guatemala's violence and crime problem[42] To define a central characteristic of rent economies, she refers to Hartmut Elsenhans's work: "A marginal labor force whose members have the

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[38] Ibid., 37.

[39] Ellison and Pino, *Globalization, Police Reform and Development*, 69.

[40] Ibid., 18.

[41] Ibid.

[42] Zinecker, *Violence and Peace*, 22.

physical prerequisites needed to produce more than they need . . . but who cannot do this because the means of production are too high."[43] According to Zinecker, a rent economy creates a condition in which availability of labor is low, encouraging violence as an alternative for income.[44]

Zinecker, Ungar, and Bailey highlight social implications as possible factors contributing to Guatemala's violence, crime, and corruption. Zinecker and Ungar discuss the poor performance of civil society as a contributing factor to insecurity. Zinecker says, "There is very little activity in Guatemala that could be described as participation by civil society in efforts to limit violence by democratic means."[45] She attributes this problem to post-civil war social fragmentation followed by the dynamics of broken families, immigration, and loss of indigenous values. Additionally, Zinecker explains that in the face of high crime rates and low security sector performance, the population compensates by creating vigilante groups.[46] Likewise, Ungar associates social apathy to law and norms as contributing factors to the violence problem. He states, "Many ordinary citizens regard vigilantism as an expression of priority of safety over rights and as their own application of the state's *mano dura* policy to achieve that priority."[47] These social expressions, Ungar argues, undermine the possibility of a constructive relationship between the civic sector and the democratic regime.[48]

In a similar way, Bailey claims that in examining security trap associations, one can identify patterns and how citizens respond to such patterns.[49] He conceptualizes that the negative equilibrium model is "the unfortunate state of affairs in which notions of law and norms of behavior in civil society differ markedly from formal law, the citizenry tolerates or promotes formally illegal exchanges, and the state and regime themselves act

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[43] Ibid.

[44] Ibid.

[45] Ibid., 37.

[46] Ibid., 38.

[47] Ungar, *Policing Democracy*, 92.

[48] Ibid., 93.

[49] Bailey, "'Security Traps' and Democratic Governability," 255.

as principal engines of crime, violence and corruption."[50] Therefore, according to Bailey's theory, both the civil society and the regime, along with its mechanisms, create the problems of crime, violence, and corruption, which are regenerated by a feedback loop dynamics.[51]

3.   Gaps

In addressing Guatemala's security issues, one obvious gap in the current scholarly literature is the scarcity of dedicated analysis of this nation. Comparative work, either at the global or regional levels, makes for an important and interesting part of research methodology. Yet very little theoretical work has been written exclusively for Guatemala; Zinecker's *Violence and Peace* is one of few theoretical examples available in this category. In *Legacies of Liberalism,* Mahoney dedicates a chapter to Guatemala and El Salvador, but he predominantly discusses nineteenth-century radical liberalism. Ungar and Bailey make a few references to Guatemala but fall short of an in-depth discussion. Ellison and Pino's global approach is possibly adaptable to various developing nations, but they make no reference to Guatemala in their book.

Although the publications mentioned above are the work of respected scholars, a critical analysis brings forward some concerns. Striking similarities appear among the American scholars—Mahoney, Bailey, and Ungar—in terms of historical trajectory, regional approach, and consolidation of democracy. Yet, the works of Zinecker and Ellison and Pino, published in Germany and England respectively, offer different views and theoretical models for the security problem in Guatemala, varying in scale and scope. In particular, Ellison and Pino offer a completely different solution, one not based on democracy yet heavily grounded on modern factors influencing the entire world. In this regard, one might argue that limiting analysis to current economic, social, and political trends disregards the fact that violence and crime precede modern times.

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[50] Ibid., 256.

[51] Ibid., 267.

C. HYPOTHESIS: MULTI-LAYERED PERSPECTIVES

Zinecker points out that, if analyzed independently, neither hybrid democracies nor rent economies are reasons for violence, but in conjunction with weak institutions they become enabling factors.[52] Furthermore, she acknowledges that Nicaragua, while also a hybrid regime and rent economy, does not experience the high levels of violence reported in Guatemala.[53] Zinecker states that variations in institutional performance account for the difference. For this reason, she clarifies that causes of high-intensity violence and impunity are not linear but rather integral as part of structural socioeconomic configurations.[54] Bailey agrees; he identifies the relationship between economic and demographic trends with institutional weakness as a crucial element in explaining the rise of criminal violence in mid-twentieth-century Latin America.[55] Drawing from the presented theories, themes, and arguments, as well as the gap analysis, this thesis hypothesizes that the causes of violence in Guatemala are the combination of weak institutional performance and a lack of social incentives.

D. METHODOLOGY

The research primarily draws from secondary sources including scholarly articles, political commentary, think-tank reports, and books dealing with security and democratization such as *Criminality, Public Security and the Challenge to Democracy in Latin America* by Marcelo Bergman and Laurence Whitehead. The research method takes a qualitative approach divided into three phases. The first phase, using contextual relevancy, historical inference, and empirical data, evaluates the aforementioned theoretical frameworks to identify the most suitable themes and arguments to answer the research question. The second phase uses empirical data and comparative case studies to validate or challenge selected arguments that potentially support this thesis hypothesis. The third phase consolidates plausible variables to test the hypothesis and draw

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[52] Zinecker, *Violence and Peace*, 39–40.

[53] Ibid., 40.

[54] Ibid., 21–22.

[55] Bailey, "'Security Traps' and Democratic Governability," 260.

conclusions, building on the current scholarly literature (see Figure 2). Subsequent analysis takes place as necessary.
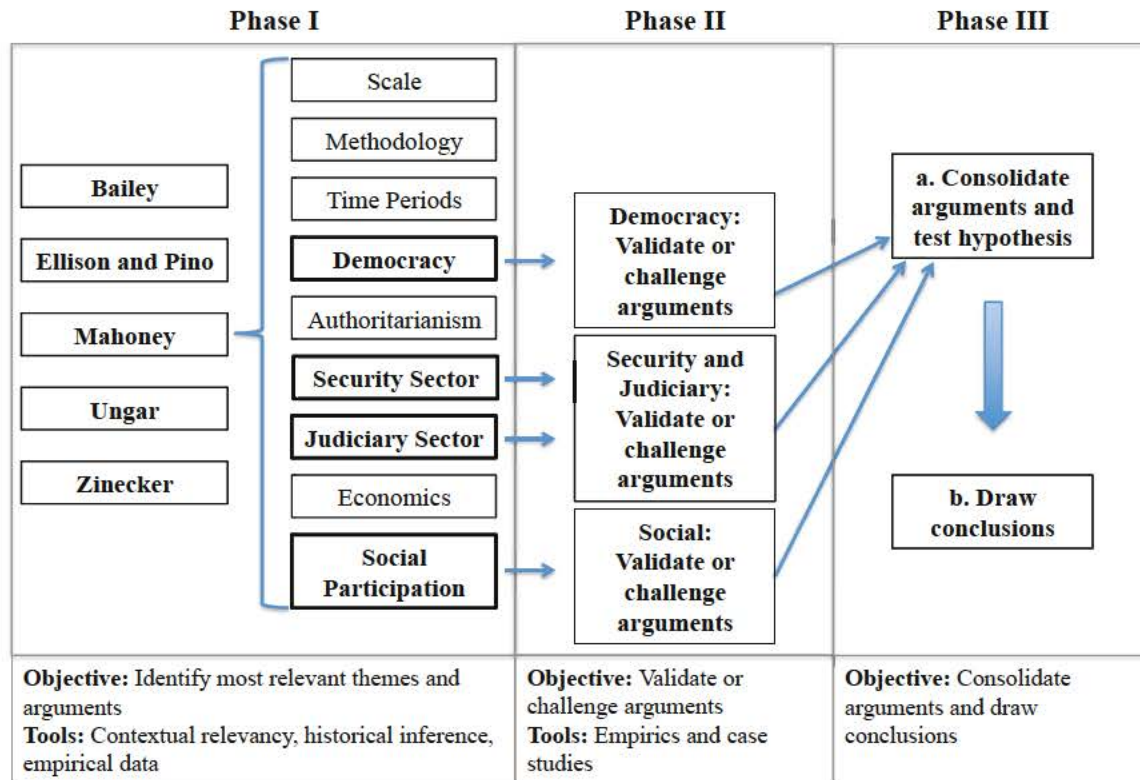
Figure 2. Sample Research Methodology

E. ARGUMENT SELECTION

Scholars have linked the current levels of violence in Guatemala to a number of factors including socioeconomic issues and critical junctures in history.[56] While these factors influence Guatemala's current state of affairs, a comparative study based on empirical data indicates they do not explain the difference in violence rates between Guatemala and other Central American countries outside the Northern Triangle—Guatemala, El Salvador, and Honduras. For instance, Nicaragua, a comparably poor country, also experienced 10 years of internal turmoil, which resulted in a great death toll (see Table 2). Yet today, Nicaragua does not experience violent crime to the extent of its

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[56] See Literature Review—Thematic Arguments in Chapter I

northern neighbors. Homicide rates in Nicaragua are a fraction of Guatemala's reported homicides; in 2012, Guatemala's murder statistics were almost four times higher than Nicaragua's rates (see Table 3). Conversely, numerous economic indicators, such as gross domestic product, equality, and employment rates, are lower for Nicaragua than for Guatemala (see Table 4). Therefore, a comparison of empirical data demonstrates that neither a history of internal conflict nor economic elements serve as principal causes for the high levels of violent crime in contemporary Guatemala.

Table 2.   Homicide Rates in the 20th-Century Civil Wars[57]

	Guatemala	**Nicaragua**	
Year	1960–1996	1977–1979	1981–1989
Civil War (length)	36 years	2 years	9 years
Total homicides	200,000	20,000	50,000

Table 3.   Comparison of Homicide Rates (2004–2012)[58]

Homicide Rates per 100,000 Population									
	2004	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**
Guatemala	36.4	42.1	45.3	43.4	46.1	46.5	41.6	38.6	39.9
Nicaragua	12.0	13.4	13.1	12.8	13.0	14.0	13.5	12.5	11.3

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[57] After Zinecker, *Violence and Peace*, 18.

[58] From "Statistics on Crime Data," *United Nations Office on Drugs and Crime (UNODC)*, accessed January 10, 2015, http://www.unodc.org/unodc/en/data-and-analysis/statistics/data.html.

Table 4.   Economic Indicators for Guatemala and Nicaragua[59]

Economic Indicators		
	Guatemala	**Nicaragua**
GDP (purchasing power parity)	$81.51 billion (2013 est.) $78.91 billion (2012 est.) $76.64 billion (2011 est.) **note:** data are in 2013 U.S. dollars	$27.97 billion (2013 est.) $26.74 billion (2012 est.) $25.42 billion (2011 est.) **note:** data are in 2013 U.S. dollars
GDP (per capita)	$5,300 (2013 est.) $5,200 (2012 est.) $5,200 (2011 est.) **note:** data are in 2013 U.S. dollars	$4,500 (2013 est.) $4,400 (2012 est.) $4,200 (2011 est.) **note:** data are in 2013 U.S. dollars
Unemployment rate	4.1% (2011 est.) 3.5% (2010 est.)	7.2% (2013 est.) 5.9% (2012 est.) **note:** unemployment was 46.5% in 2008
Distribution of family income–Gini index	55.1 (2007) 55.8 (1998)	40.5 (2010) 60.3 (1998)
Public debt	31% of GDP (2013 est.) 29.5% of GDP (2012 est.)	50.4% of GDP (2013 est.) 51.5% of GDP (2012 est.)

Zinecker excludes the perpetuation of war violence, racism, ethnic segregation, poverty, and income inequality from factors causing violence in present-day Guatemala. Similarly, in the article "Criminal Violence and Democratization in Central America," José Miguel Cruz explains, "Rather than internal war or poverty, one of the fundamental differences between the northern Central America and Nicaragua is the manner in which these states have dealt with public security and have responded to problems of violent crime."[60] In agreement with Zinecker and Cruz, this thesis challenges the notion of a direct causal relationship between history and violence or poverty and violence. Instead, it evaluates Guatemala's democratic consolidation and institutional capacity through the judiciary and security sectors. In terms of Guatemala's security, scholarly literature

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[59] From "Index Mundi Country Comparisons–Guatemala and Nicaragua," *Index Mundi*, accessed January 10, 2015, http://www.indexmundi.com/factbook/compare/guatemala nicaragua.

[60] José Miguel Cruz, "Criminal Violence and Democratization in Central America: The Survival of the Violent State," *Latin American Politics and Society* 53, no. 4 (2011): 7, doi:10.1111/j.1548-2456.2011.00132.x.

addressing police issues is plentiful, while the study of civil-military relations is scarce. Thus, this thesis discusses police reform yet predominantly focuses on the study of civil-military relations.

Furthermore, this study evaluates the lack of social incentives—which results in social apathy—as a violence enabler. Guatemala's social, political, and financial sectors have competing interests that impede the rebuilding of this nation. The rigid class system builds internal tension and does not allow for upward class mobility. Even though it has been 16 years since peace accords were signed, indigenous people, poor Ladinos (Guatemalans of Spanish descent), and the elite have not been able to coalesce. The state, however, has a direct relationship with Guatemala's most influential circles. Elite-based political and institutional arrangements have been in place since Guatemala's colonial times and follow a legacy of corruption, manipulation, and intimidation.[61] Government carelessness toward stability and justice, as well as social apathy toward normalized violence, undermines democratic consolidation and security.

F.   THESIS OVERVIEW

This thesis is divided into five chapters. The first chapter offers a discussion on the importance of the research question, available literature, the hypothesis, and selection of arguments. The second chapter focuses on the historical background, including transitional justice and contemporary forms of violent crime in Guatemala. The third chapter provides an overview and assessment of Guatemala's process toward democratic consolidation. The fourth chapter analyzes select arguments—weak institutional performance and social factors—to support the hypothesis. The final chapter summarizes findings, identifies implications for U.S. policy, and offers recommendations for decision makers.

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[61] Morris Panner and Adriana Beltrán, "Crime in Guatemala–Fighting Organized Crime in Guatemala," *Quarterly Americas*, Fall 2010, http://americasquarterly.org/node/1899.

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II. HISTORICAL BACKGROUND

Before analyzing the causes of violence in Guatemala and to fully explore factors leading to the nation's current security crisis, it is necessary to understand Guatemala's political trajectory. From 1944 to the end of the civil war in 1996, Guatemala transitioned from a democracy to a military dictatorship and then back to a democracy. Some scholars argue that Guatemala's contemporary crime problems are the result of a long history of social and political unrest. The civil war claimed the lives of thousands of Guatemalans, and truth commissions have linked periods of Guatemalan history to genocide. For example, in 1999 the Commission for Historical Clarification concluded that during the civil war, the state conducted repressive actions against selected groups within its population. The commission conclusively reported, "Agents of the state committed acts of genocide against groups of Mayan people."[62] Despite its best efforts toward reconstruction and reconciliation, Guatemala has not been able to achieve stability.

In terms of security, Guatemala is far from efficient and sustainable and is often characterized as one of the most dangerous countries in the world.[63] Government negligence, old grievances, widespread impunity, and modern crime create an environment that is not conducive for democratic consolidation, positive reform, or transformation.[64] Common types of crime in contemporary Guatemala include homicide, drug trafficking, violent gangs, social cleansing, lynch law, femicide, and corruption. This chapter illustrates Guatemala's arduous and unsuccessful trajectory toward justice, accountability, and social harmony. Furthermore, it identifies crime trends in more recent times.

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[62] "Truth Commission: Guatemala," *United States Institute of Peace*, accessed June 4, 2014, http://www.usip.org/publications/truth-commission-guatemala.

[63] Taft-Morales, *Guatemala*, 1.

[64] "Truth Commission."

1. The Path to Civil War and Ensuing Conflict

The 1940s and 1950s set the stage for the civil war of 1960 to 1996. Between 1944 and 1953, Guatemala experienced a period of democratic reform centered on popular initiatives such as investment on education and agrarian law, which benefited thousands of poor citizens.[65] These reforms greatly impacted the United Fruit Company and large landowners in Guatemala. Concerned with the possibility of the spread of Communism within the context of the Cold War and siding with American economic interests in the region, President Eisenhower allowed the Central Intelligence Agency (CIA) to conduct covert operations. On December 9, 1953, Allen Dulles, director of the CIA, gave the approval for operation PBSUCESS—a covert scheme to overthrow President Jacobo Arbenz—and allocated a budget of $3 million for the program.[66] With the support an opposition-led paramilitary, Operation PBSUCCESS met its objectives. Pressured and isolated, Arbenz resigned the presidency on June 27, 1954.[67]

Carlos Castillo Armas, a former military officer in exile who was also recruited by the CIA, returned to Guatemala and assumed power.[68] Armas immediately abandoned popular reforms established by the previous administration and implemented new laws that hindered the poor, such as revoking the right to vote for illiterate citizens.[69] In the face of oppression and injustice, poor Guatemalans started to organize and pushback against the government, leading to the development of anti-government factions.[70] In

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[65] María José Calderón, "FRONTLINE–World Guatemala Timeline–PBS," *Timeline: Guatemala's History of Violence*, accessed November 2, 2014, http://www.pbs.org/frontlineworld/stories/guatemala704/history/timeline html#.

[66] "Memorandum: CIA's Role in the Overthrow of Arbenz" (CIA Historical Review Program, May 12, 1975), 5.

[67] Stephen Schlesinger et al., *Bitter Fruit: The Story of the American Coup in Guatemala, Revised and Expanded*, Revised edition (Cambridge, MA: David Rockefeller Center for Latin American Studies, 2006), 199.

[68] Ibid., 214–15.

[69] Calderón, "FRONTLINE–World Guatemala Timeline–PBS."

[70] Ibid.

1957, Armas was assassinated and General José Miguel Ramón Fuentes was elected president the following year.[71]

The civil war started in 1960 when the government activated the military to address internal social unrest. As part of its military tactics, the regime also created alliances with right-wing militias to fight and eliminate the rebels. Ultimately, government-sponsored violence resulted in the torture and death of political opponents, including guerrilla fighters and Mayans. Civilian rule was briefly restored between 1966 and 1969 with the election of civilian president Julio Cesar Mendez Montenegro. The violence, however, continued under this presidency as Montenegro made agreements with the military and pledged noninterference in the war against left-wing rebels in exchange for political support. In 1970, Colonel Carlos Arana Osorio was elected president and the violence against peasants and guerrilla fighters intensified.

For the next 13 years, subsequent military presidents continued to sponsor right-wing death squads. In March 1982, General Efrain Ríos Montt led a coup and took control of the country.[72] This same year, the four predominant guerrilla groups—*Partido Guatemalteco de Trabajo (*PGT), *Las Fuerzas Armadas Rebelde (*FAR), *La Organización del Pueblo en Armas* (OPRA), and *El Ejército Guerrillero de los Pobres* (EGP)—unified into one group called *La Unidad Revolucionaria Nacional Guatemalteca* (URNG).[73] Under General Ríos Montt's dictatorship, Guatemala underwent the bloodiest period of the civil war. Some historians estimate 70,000 Guatemalans disappeared or were killed between March of 1982 and August of 1983.[74] Thus, the Historical Clarification Commission (CEH) stated the following in its 1999 report:

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[71] René Poitevin, ed., *Compendio de Historia de Guatemala, 1944-2000*, 1st ed (Guatemala: Asociación de Investigación y Estudios Sociales : Konrad-Adenaur-Stiftung : PNUD : Fundación Soros, 2004), 24.

[72] Calderón, "FRONTLINE–World Guatemala Timeline–PBS."

[73] Cathy McIlwaine and Caroline Moser, *Encounters with Violence in Latin America: Urban Poor Perceptions from Colombia and Guatemala*, 1st ed (New York: Routledge, 2004), 45.

[74] "Guatemala 'Silent Holocaust:' They Mayan Genocide," *The Center for Justice & Accountability*, accessed November 1, 2014, http://www.cja.org/article.php?list=type&type=294.

The CEH concludes that agents of the State of Guatemala, within the framework of counterinsurgency operations carried out between 1981 and 1983, committed acts of genocide against groups of Mayan people. . . . In general, the State of Guatemala holds undeniable responsibility for human rights violations and infringements of international humanitarian law. The Chiefs of Staff for National [Defense] (Estado Mayor de la Defensa Nacional) was, within the Army, the highest authority responsible for these violations.[75]

With the country in disarray, General Mejia Victores led a revolt and assumed power in August 1983.[76] He facilitated the transition to civilian control with the election for a National Constituent Assembly (July 1984), the draft of a democratic constitution (May 1985), and a democratic presidential election (November 1985).[77] While democratic elections were critical for Guatemala's transition from military authoritarianism, regime change was slow. For instance, newly elected civilian president Vinicio Cerezo Arévalo granted amnesty to military members and hindered the prosecution of officers for human rights violations. Jorge Serrano Elías assumed the presidency in 1991, but two years later he was removed from power because of his dictatorship style. Ramiro de Leon Carpio followed as president through legislative election.[78] Peace talks between the government and the URNG began in 1994.[79]

2.   Cease-Fire

In 1996, Guatemala's long civil war finally ended with the signing of the final peace accord, known as the Agreement for a Firm and Lasting Peace (AFLP).[80] Mediated by the United Nations, the agreement consolidated seven peace accords and three

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[75] *Guatemala: Memory of Silence* (Truth Commission: Commission for Historical Clarification, February 22, 1999), 41, https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf.

[76] Calderón, "FRONTLINE–World Guatemala Timeline–PBS."

[77] Poitevin, *Compendio de Historia de Guatemala*, 66, 68–69.

[78] Calderón, "FRONTLINE–World Guatemala Timeline–PBS."

[79] Ibid.

[80] Marcie Mersky, *Human Rights In Negotiating Peace Agreements: Guatemala* (Belfast: The International Council on Human Rights Policy, March 7, 2005), 1, http://www.ichrp.org/files/papers/58/128_-_Guatemala_-_Human_Rights_in_Negotiating_Peace_Agreements_Mersky_Marcie__26_May_2005.pdf.

operational agreements.[81] The accords were organized into four areas of focus: civil control over the armed forces, protection of indigenous rights, socioeconomic reforms that protect the interests of rural populations, and institutional reforms to guarantee civil and human rights as well as the creation of the Commission on Historical Clarification.[82] In practice, however, the peace agreements did not substantially reduce the influence and power of the military and its political associates.[83] For instance, two years after the signing of the accords, officials proposed a series of constitutional amendments to guarantee their implementation. After much discussion, on May 16, 1999, a national referendum was finally sent for congressional authorization. As it turns out, the referendum did not get enough votes, and the prescribed constitutional reforms never took place.[84] The country has yet to see a comprehensive reform that guarantees stability and security as proposed in the accords.

The civil war's cease-fire took place without proclaimed winners or losers; no one took responsibility for the 36 years of civil war. While domestic and international efforts have been made toward state rehabilitation, transitional justice and reconciliation have not been solidified, and impunity and crime continue to be widespread. The fundamental challenges of Guatemala's conflict, such as social divide, government-sponsored violence, and the demand for agrarian reform, have not been entirely resolved.

3.   Post-Civil War Crime and Violence

Arguably, social and political wounds from the civil war along with weak institutions have perpetuated instability and enabled modern forms of violence. The evolution from civil war to post-conflict violence is palpable: during the civil war, the majority of victims of violence were indigenous people, while in post-conflict Guatemala, violence affects all sectors of the population. Meanwhile, underserved

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[81] Ibid.

[82] Hilde Salvesen, *Guatemala: Five Years After The Peace Accords: The Challenges of Implementing Peace* (Norwegian Ministry of Foreign Affairs, March 2002), 2.

[83] Cruz, "Criminal Violence and Democratization in Central America," 11.

[84] "Guatemala's Crippled Peace Process: A Look Back on the 1996 Peace Accords," *Council on Hemispheric Affairs (COHA)*, May 10, 2011, http://www.coha.org/guatemalas-crippled-peace-process-a-look-back-on-the-1996-peace-accords/.

communities continue to be common victims of crime.[85] According to the Latin America Security and Defense Network's (RESDAL's) Public Security INDEX 2014 report, Guatemala is the second most violent nation in Central America after Honduras.[86] Conclusively, public security is Guatemala's most critical problem.[87]

In regard to Guatemala's contemporary security crisis, the exponential increase in gang violence and drug trafficking in the past two decades has further eroded Guatemalan society and transnational security. As of 2011, almost one in four Guatemalans report being victims of crime, and only 24 percent of the population trusts government-provided security.[88] With 5,000 homicides reported in 2012, Guatemala averaged 34 murders per 100,000 people, ranking second highest in the Central America for homicides.[89] In contrast, Costa Rica reported 407 homicides the same year, averaging less than nine per 100,000 people.[90] Guatemala's unrelenting social discord, criminal activity, and corruption maintain the country's vicious cycle of normalized violence, impunity, and resentment. The following sections provide an overview of Guatemala's especially serious crimes and violence issues.

a.   *Drug Trafficking*

Guatemala has become a key location for drug trafficking because it bridges South America to Mexico and the United States. In 2010, the U.S. Department of State estimated that "more than 60 percent of the cocaine passing through the Central American bridge states en route to the United States had transited Guatemala."[91] The infiltration of Mexican and Colombian drug lords in the country has increased

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[85] McIlwaine and Moser, *Encounters with Violence in Latin America*, 94.

[86] *Public Security INDEX, Central America: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama* (Buenos Aires, Argentina: RESDAL, 2013), 8, http://www.resdal.org/ing/libro-seg-2013/index-public-security-2013.html.; data from 2011

[87] *BTI 2014–Guatemala Country Report* (Gütersloh: Bertelsmann Stiftung, 2014), 4, http://www.bti-project.org/uploads/tx_itao_download/BTI_2014_Guatemala.pdf.

[88] *Public Security INDEX*, 66; Taft-Morales, *Guatemala*, 10.

[89] *Public Security INDEX*, 8, 66.

[90] Ibid., 20.

[91] Quoted in Julie Marie Bunck and Michael Ross Fowler, *Bribes, Bullets, and Intimidation: Drug Trafficking and the Law in Central America* (University Park, PA: Penn State University Press, 2012), 162.

Guatemala's drug problem exponentially. Mexican cartels have taken control of areas along the Guatemala−Mexico border and in the central city of Coban.[92] In 2011, Carlos Castresana, former head of the UN's International Commission against Impunity in Guatemala (CICIG), told U.S. diplomats that drug lords had effective control of almost 60 percent of Guatemala's territory.[93]

Guatemala's drug trafficking is an acute and complex problem. Narco-traffickers often recruit gang members to do dirty jobs and bribe officials across all echelons of government so they can operate freely and avoid prosecution.[94] Frank Smyth, an investigative journalist, refers to Guatemala as an "untraceable narco-state" and points out that political figures, as well as high-ranking military officers, are deeply involved in drug networks, creating alliances and undermining the justice system.[95] Julie M. Bunck and Michael R. Fowler explain that drug trafficking advances other illicit activities in Guatemala such as smuggling of arms, money laundering, kidnapping, stealing, and murder.[96]

Drug traffickers have created power networks with intricate operational procedures that severely challenge law enforcement and security in Guatemala. For instance, drug lords have divided operational centers into smaller functional units often referred to as *cartelitos* or mini-cartels.[97] In *Bribes, Bullets, and Intimidation,* Bunck and Fowler explain, "During the 1990s a number of *cartelitos* developed in Guatemala, each specializing in particular routes and methods and each with its own contacts with the

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[92] *Learning to Walk without a Crutch: An Assessment of the International Commission Against Impunity in Guatemala.* (International Crisis Group, May 31, 2011), 3, http://www.crisisgroup.org/~/media/Files/latin-america/36%20Learning%20to%20Walk%20without%20a%20Crutch%20---%20The%20International%20Commission%20Against%20Impunity%20in%20Guatemala.pdf.

[93] Ediciones El País, "Drug Traffickers Have Stranglehold on Guatemala, Says Top Prosecutor," *El País*, February 23, 2011, http://elpais.com/elpais/2011/02/23/inenglish/1298442044_850210 html.

[94] Ibid.

[95] Frank Smyth, "The Untouchable Narco-State," in *The Guatemala Reader: History, Culture, Politics*, ed. Greg Grandin, Deborah T. Levenson, and Elizabeth Oglesby (Durham, NC: Duke University Press Books, 2011), 480–81.

[96] Bunck and Fowler, *Bribes, Bullets, and Intimidation*, 11.

[97] Ibid.

larger Colombian and Mexican organizations."[98] Today, these *cartelitos* have become sophisticated production and distribution centers connecting narco-trafficking operations among Guatemala, Colombia, Mexico, Honduras, and El Salvador.[99] Of particular concern is the Guatemala−Honduras border, which the International Crisis Group calls the *corridor of violence.* Guatemala's borders are not secured and are filled with illegal crossing points or *puntos ciegos* (blind spots).[100]

b. *Violent Gangs*

Violent gang affiliation has exponentially increased in recent years. In 2012, Guatemala had an estimated 22,000 gang members.[101] The majority of individuals belong to one of two major competing gangs or *maras*—the 18th Street Gang (*La Dieciocho*) or the Mara Salvatrucha (MS-13)—although local gangs exist, such as the Breakeros, the Cholos, and the Latin Kings.[102] Despite growing affiliation, violent gangs are a comparatively new phenomenon; until the end of the 1990s, violent gang activity was relatively low in Guatemala.[103] In the past few years, however, gangs have become hierarchical and more organized. Today, gang activity is widespread and an increasing threat to Guatemala's security. Often, voluntary affiliation is not an option; some members are born into broken families and gangs and cannot escape this vicious cycle.[104] Gang activity is mostly connected to drug-related crime, theft, possession of illegal weapons and, to a lesser extent, murder.[105] In regard to gang-related homicide, Elin Ranum makes the following observation: "Other than in Guatemala City, homicide rates

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[98] Ibid.

[99] Ibid., 251.

[100] *Corridor of Violence: Guatemala-Honduras Border, Latin America Report N°54* (International Crisis Group, June 4, 2014), 1.

[101] Seelke, *Gangs in Central America*, 3.

[102] Elin Cecile Ranum, "Street Gangs of Guatemala," in *Maras: Gang Violence and Security in Central America*, ed. Thomas Bruneau, Lucía Dammert, and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011), 72.

[103] Cruz, "Criminal Violence and Democratization in Central America," 6; Ranum, "Street Gangs of Guatemala," 73.

[104] Ranum, "Street Gangs of Guatemala," 79.

[105] Ibid., 83.

are highest in areas where drug trafficking and organized crime take place, versus areas where gangs prevail."[106] Another point Ranum makes is that gang members are also victims of violence through social cleansing and from Guatemala's repressive institutional system.[107] Therefore, gang members are both victims and perpetrators.

Maras are exceptionally violent and partially responsible for the rise of crime in Guatemala.[108] The formation of violent gangs in Guatemala can be traced back to the United States as a result of massive deportation of illegal immigrants, which included gang members and unreported criminals, to Central America.[109] Upon returning to their original countries, gang-deportees regrouped and expanded their networks and local membership. Gang members are predominantly males between the ages of 12 and 24.[110] They share identity, coded languages, and the idea of lifetime membership.[111] Gang members often tattoo their bodies with gang signs as proof of allegiance.

The growing gang presence challenges the strength of Guatemala's public security system. Thomas Bruneau explains, "As there is an identified tendency for the [gangs] to resemble organized crime, at the level of national security they also may be considered a threat in El Salvador, Guatemala, and Honduras, which remain fragile democracies with relatively poorly articulated political institutions and tentative popular support."[112] Guatemala's weak national security environment provides perfect conditions for the proliferation of violence and crime, thus intensifying the gang problem.

c.   *Social Cleansing and Lynch Law*

Social cleansing is the systematic killing of "undesirable" persons, such as gang members and other criminals, by individual citizens within the community or by police

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[106] Ibid.

[107] Ibid., 86.

[108] Ibid., 70.

[109] Seelke, *Gangs in Central America*, 2–3.

[110] Ibid., 3.

[111] Ibid., 2.

[112] Thomas C. Bruneau, "Street Gangs in Central America: Combating Them with Intelligence Fusion Centers," *E-International Relations*, 2014, http://www.e-ir.info/2014/03/08/street-gangs-in-central-america-combating-them-with-intelligence-fusion-centers/.

agents.[113] Some in Guatemalan society believe that punishing perpetrators of crimes with extreme violence is more effective than relying on the governmental mechanism—apprehension, trial, and conviction—for justice. Philip Alston, a UN special rapporteur, writes, "Indeed, given the failings of the [Guatemalan] criminal justice system, turning to on-the-spot executions of suspected criminals appears to some as the only available option."[114] The lack of trust in the security sector yields a state that cannot protect its people.

Lynch law is another reported form of "insiders' justice," where groups, not individuals, conduct the killings. According to Alston, lynching has become a common practice in Guatemala.[115] Caroline O. Moser and Cathy McIlwaine explain that since the 1990s, lynching has become more frequent as a form of unofficial law enforcement.[116] Ranum agrees, "The overall environment of insecurity, a general lack of confidence in . . . the state, and in many cases the absence of the state, along with traditions of collective action, have led citizens to take justice in their own hands, including carrying out lynchings, a practice that is relatively frequent in Guatemala."[117] A report prepared for the office of the UN High Commissioner for Human Rights in Guatemala reported 43 cases of lynching resulting in death from January to October of 2013—an increase of 169 percent from previous years.

d. Femicide

Guatemalan indigenous women suffered sexual violence and indiscriminate murder during the civil war. Likewise, violence in contemporary Guatemala toward women—indigenous or otherwise—remains frequent and unpunished. Femicide, the systematic killing of women because of gender, is an epidemic with roots in Guatemala's

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[113] Ibid.

[114] Philip Alston, "A Good Place to Commit Murder," in *The Guatemala Reader: History, Culture, Politics*, ed. Greg Grandin, Deborah T. Levenson, and Elizabeth Oglesby (Durham, NC: Duke University Press Books, 2011), 474.

[115] Ibid.

[116] McIlwaine and Moser, *Encounters with Violence in Latin America*, 31.

[117] Ranum, "Street Gangs of Guatemala," 85.

conflict. Marilyn Thompson, a writer for the *Latin America Bureau*, explains, "During the civil war thousands of men in the military and paramilitary groups committed many acts of violence, including violence against women, and were subsequently reintegrated into society with no sanctions against them."[118] From this history, escalating violence against women is carried on today. In Guatemala, femicide is frequently linked to sexual abuse and occurs most commonly in rural areas. Arguably, femicide takes place among indigenous populations because the Mayan women are neither aware of their rights nor feel integrated into the justice system. According to a report by Deborah Hastings, a *NY Daily News* journalist, patriarchy plays a significant role in the occurrence of this problem.[119] Ultimately, impunity is the predominant enabler of femicide. In 2012, 708 cases of femicide were registered and investigated, but only 2 percent of the perpetrators were brought to justice.[120] Figure 3 depicts the number of femicides reported by the Guatemalan police between 2007 and 2012.
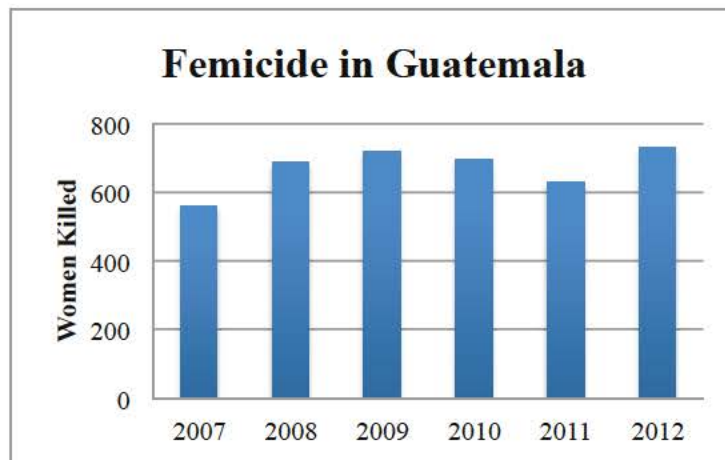
Figure 3.   Femicide in Guatemala 2007–2012[121]

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[118] Marilyn Thomson, "Guatemala: Region's Highest Rate of Femicide," *Latin America Bureau (LAB)*, March 27, 2013, http://lab.org.uk/guatemala-regions-highest-rate-of-murder-of-women.

[119] Deborah Hastings, "'Femicide' on the Rise in Central America," *NY Daily News*, January 10, 2014, http://www.nydailynews.com/news/world/femicide-rise-central-america-article-1.1552233.

[120] *BTI 2014*, 13; *Public Security INDEX*, 66.

[121] After "Human Rights Reports," Department Of State - The Office of Website Management, *U.S. Department of State*, (January 20, 2009), http://www.state.gov/j/drl/rls/hrrpt/.

Although these numbers have caught the attention of the international community, the Guatemalan government remains incapable of developing the necessary mechanisms to eradicate this problem. The Guatemala Human Rights Commission/USA attributes the high levels of femicide impunity to inadequate investigative processes, re-victimization, harassment, and institutional gender biases.[122]

e. *Corruption*

Corruption compromises the government of Guatemala and promotes impunity. Bunck and Fowler confirm, "Corruption has abounded and most government institutions have operated for many years in dismal fashion."[123] Greg Grandin, Deborah T. Lavenson, and Elizabeth Oslesby point out the existence of "hidden powers" tracing back to the civil war (1960–1996). These clandestine networks erode the security and justice systems and are composed of former and active military personnel with ties to organized crime.[124] Additionally, Bunck and Fowler state that in Guatemala, criminals have been able to buy the support of police members and appointed officials.[125] The fragility of the political system facilitates injustice and undermines democracy. In one poignant statement, Alston summarizes the current state of Guatemala's security sector: "[It] is a good place to commit a murder because you will almost certainly get away with it."[126] Lack of political will in implementing the rule of law and a lack of accountability contributes to the problem of security.[127]

Guatemala's leadership has been notoriously uncommitted, dysfunctional, and indifferent to reform. Over the years, its elite has included military generals, authoritarian leaders, and pseudo-democratic presidents. Most recently, a series of scandals and

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[122] "Guatemala Human Rights Commission USA–Fact Sheet–Human Rights Defenders" (Guatemala Human Rights Commission), accessed October 17, 2014, http://www.ghrc-usa.org/Publications/factsheet_hrdefenders.pdf.

[123] Bunck and Fowler, *Bribes, Bullets, and Intimidation*, 192.

[124] Greg Grandin, Deborah T. Levenson, and Elizabeth Oglesby, *The Guatemala Reader: History, Culture, Politics* (Durham, NC: Duke University Press Books, 2011).

[125] Bunck and Fowler, *Bribes, Bullets, and Intimidation*, 252.

[126] Alston, "A Good Place to Commit Murder," 473.

[127] Grandin, Levenson, and Oglesby, *The Guatemala Reader*, 475.

corruption allegations have tainted the government. For instance in 2010, Conrado Reyes, the appointed public prosecutor, was removed from his post due to links with organized crime.[128] In 2011, President Álvaro Colom's sister-in-law was charged with fraud and money laundering.[129] Furthermore, in an unsuccessful effort to bypass the constitution and run for presidential election, former first lady Sandra Torres divorced President Colom. The Constitutional Court dismissed Torres's candidacy, but her actions show a serious attempt to manipulate the system from the highest echelons.[130] Regarding the current administration, some analysts have linked President Otto Pérez Molina to possible human rights violations.[131] Government carelessness toward justice and reconstruction as well as the lack of responsibility and accountability undermines democratic consolidation.

4. Guatemala's Legacy of Violence and Impunity

Guatemala has made a few strides toward reconciliation with the past, but an analysis of its peacetime history demonstrates a regenerating cycle of security shortfalls. Abuse is generalized across all social groups, predominantly affecting underserved segments such as the indigenous population, poor Ladinos, and women. Furthermore, a weak judicial system exacerbates the problem. Guatemala's legacy of violence and impunity is reflected in its contemporary challenges. A 2013 Department of State report on human rights highlights a range of critical security problems in Guatemala, including misconduct of and abuse from government officials, corruption, homicides, life-threatening prison conditions, and abuse toward women and indigenous communities.[132]

More recently, the consequences of high crime, violence, and impunity in Guatemala have become even more obvious: the illegal immigration of minors from

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[128] Kate Doyle, "The Pursuit of Justice in Guatemala–National Security Archive Electronic Briefing Book No. 373," *National Security Archive*, March 23, 2012, http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB373/.

[129] Ibid.

[130] *BTI 2012–Guatemala Country Report* (Bertelsmann Stiftung, n.d.), 9.

[131] Doyle, "The Pursuit of Justice in Guatemala."

[132] *Guatemala 2013 Human Rights Report* (United States Department of State, March 18, 2014), 1, http://www.state.gov/documents/organization/220657.pdf.

Guatemala, El Salvador, and Honduras into the United States has received unprecedented national attention. During a 2014 Senate oversight hearing, Congress "characterized this issue as a humanitarian crisis."[133] Guatemalan children risk their lives traveling through Mexico toward the United States, often as a result of concerned parents compelled to help their children escape poverty and violence in their native countries. For example, a child traveling from Guatemala to Rio Grande City in Texas would need to cover between 2,000 and 2,500 kilometers in dangerous and unpredictable conditions.

According to a report from the Wilson Center, as of August 2014, the U.S. border patrol has detained over 57,000 children, predominantly from Central America, illegally crossing the border.[134] Table 5 illustrates the surge of unaccompanied alien children from Guatemala encountered at the U.S. border.

Table 5.   Unaccompanied Alien Children Encountered Crossing the U.S. Border[135]

Guatemalan Unaccompanied Alien Children Encountered by Fiscal Year (FY)						
Year	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
Guatemala	1,115	1,517	1,565	3,835	8,068	17,057

The United States defines an unaccompanied alien child (UAC) as "an immigrant who is under the age of 18 and not in the care of a parent or legal guardian at the time of entry, who is left unaccompanied after entry, and who does not have a family member or

[133] Lisa Seghetti, Alison Siskin, and Ruth Ellen Wasem, *Unaccompanied Alien Children: An Overview* (Washington, DC: Congressional Research Service, September 8, 2014), 1, http://fas.org/sgp/crs/homesec/R43599.pdf.

[134] Eric L. Olson, *How to Address Child Migration from Central America* (Washington, DC: Wilson Center, August 2014), 1, http://www.wilsoncenter.org/publication/how-to-address-child-migration-central-america.

[135] After "Southwest Border Unaccompanied Alien Children," *U.S. Customs and Border Protection*, accessed November 3, 2014, http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children.

legal guardian willing or able to care for them in the arrival country."[136] The causes for the exponential increase in illegal crossings in fiscal years (FYs) 2013 and 2014 are politically controversial and debatable; nevertheless, this complex problem is arguably related to the rise in crime and violence in contemporary Guatemala.[137]

Chapter II discussed Guatemala's historical background ranging from the democratic experiment of the mid-1940s to the change in regime, the civil war and the subsequent cease-fire. Furthermore, it examined critical forms of violent crime in Guatemala's present-day society. Having established the historical and contextual settings, Chapter III evaluates the quality of Guatemala's democracy as the framework for the analysis of institutional capacity and social participation.

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[136] Amanda Levinson, "Unaccompanied Immigrant Children: A Growing Phenomenon with Few Easy Solutions," *Migration Policy Institute*, January 24, 2011, http://www.migrationpolicy.org/article/unaccompanied-immigrant-children-growing-phenomenon-few-easy-solutions.

[137] "'Most Dangerous' for Children and Human Rights," Non-profit, *Freedom House*, (8 August 2-14), https://freedomhouse.org/blog/most-dangerous-children-and-human-rights#.VMF2a3DF9tJ.

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III.   DEMOCRATIC CONSOLIDATION

This thesis contends that the causes of post-conflict violence in Guatemala are a combination of weak institutional capacity and a lack of social factors. In pursuing these arguments, this chapter focuses on Guatemala's democratic system as an enabling structure for institutional deficiencies and social apathy. This approach is largely based on the notion that the quality of democracy is directly related to security. Classic democratic theory emphasizes the regime's role in providing security and fostering public order; as such, weak states are less effective in combating crime. In their book, *Criminality, Public Security, and the Challenge to Democracy in Latin America*, Marcelo Bergman and Laurence Whitehead validate this point: "Since the state is key for the development of credible, rule of law-based crime fighting institutions, countries with strong state traditions have tended to address the [crime] challenge much better than weak states."[138] As Guatemala does not provide minimum standards of security and public order, one might argue it is a weak democratic state; the government has not been able to effectively combat modern crime.

After 36 years of civil war and strong militarization, Guatemala emerged as a new democracy in 1996. Thus, the transition from authoritarian to democratic government is relatively new.[139] Democratization started in 1984 with the first presidential election that brought Arévalo to power in 1985. Nevertheless, the process was full of fallacies and military favors while the civil wars continued. The 1996 Peace Accords facilitated by the UN came into effect and changed the course of Guatemala's political history. Critical junctures in Guatemala's path to democratization are illustrated in Table 6.

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[138] Marcelo Bergman and Laurence Whitehead, *Criminality, Public Security, and the Challenge to Democracy in Latin America*, 1st ed (Notre Dame, IN: University of Notre Dame Press, 2009), 8.

[139] Peter H. Smith, *Democracy in Latin America: Political Change in Comparative Perspective*, 2nd ed (New York: Oxford University Press, USA, 2011), 51.

Table 6.   Guatemala's Path to Democratization[140]

The Road to Liberal Democracy in Guatemala			
Preceding Regime	**Starting Point**	**First Election**	**Ending Point**
Military Authoritarianism	Military Coup (1983)	National Constitutional Assembly (1984)	Peace Accords Regime Reform (1996)

In *Democracy in Latin America*, Peter H. Smith reasons that the longevity of the system can be an indicator of democratic consolidation.[141] Modern democracy in Guatemala is less than 20 years old. Nevertheless, a permanent electoral process has been established to elect a president as well as 158 members of the unicameral congress, 333 mayors, and 20 members of the Central American Parliament every four years.[142]

Elections are fundamentally fair and free in Guatemala, but political violence regularly penetrates the system. In the latest election cycle, for example, electoral observers described instances of corruption and intimidation.[143] Likewise, the 2014 Bertelsmann Stiftung report for Guatemala states that over 40 politically affiliated individuals were killed during the campaign season.[144] While the new regime introduced the basic principles of civil rights and security to Guatemala, crime and violence continue to be widespread. To a large extent, modern forms of violent crime replaced state-sponsored violence. As mentioned earlier, security and the rule of law are fundamental public goods in any democratic state. In this regard, Guatemala falls short. The definition of democracy and further analysis of the current state of affairs in Guatemala's democratic system is discussed in the following sections.

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[140] After Cruz, "Criminal Violence and Democratization in Central America," 10.

[141] Smith, *Democracy in Latin America*, 51.

[142] *Freedom in the World 2014–Guatemala* (Freedom House, 2014), https://freedomhouse.org/report/freedom-world/2014/guatemala-0#.VMgmGl7F9rU.

[143] Ibid.

[144] *BTI 2014*, 9.

1. Defining Democracy

Democracy is a government system in which the people choose their leaders. Scholars have defined and classified the spectrum of democratic systems in numerous ways. Nevertheless, some fundamental foundations hold true for all democratic regimes: elections, security, protection of human rights, equality, justice, and the rule of law.[145]

The late Robert A. Dahl, a distinguished political science scholar from Yale University, offers one of the most recognizable definitions of democracy based on his concept of *procedural democracy*.[146] According to Dahl, seven minimal conditions must be met in a democracy:

1. Practically all adults can vote.

2. Practically all adults can run for office.

3. Elections are free and fair.

4. All adults are free to choose political affiliation.

5. All adults are fee to practice political expression.

6. Political sources of information are available and protected by law.

7. Elected officials are constitutionally protected to make decisions. [147]

Dahl's polyarchy offers the fundamental principles that make democracy possible.

Phillipe C. Schmitter and Terry Lynn Karl suggest two additional conditions. First, elected officials must be able to act without reprisal from other actors such as military officers, civil servants, or any unelected official. Second, the domestic political institution, or *polity*, must be free from pressure or influences from outsiders.[148] Thus, the system must be self-governing. Furthermore, Schmitter and Karl define modern political democracy as systems in which citizens, facilitated by competition among and

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[145] Laza Kekic, *The Economist Intelligence Unit's Index of Democracy 2007* (Economist Intelligence Unit, 2007), 1, http://www.economist.com/media/pdf/DEMOCRACY_INDEX_2007_v3.pdf.

[146] Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is ... and Is Not," *Journal of Democracy* 2, no. 3 (1991): 81–82, doi:10.1353/jod.1991.0033.

[147] Ibid.

[148] Ibid., 76.

cooperation between elected officials, hold those in office accountable for their public and political activities.[149]

In defining and studying the various stages or forms of democracy, Smith offers the concept of liberal democracy, that is, "electoral democracies with expansive civil liberties."[150] Adding to the scholarly discussion, Fareed Zakaria presents a sliding scale for illiberal democracies in which political systems reside somewhere between dictatorships and consolidated democracies.[151] Illiberal democracies, Zakaria explains, are democratically elected regimes that ignore constitutional boundaries and do not provide their citizenry with basic civil rights and freedom.[152] He warns that illiberal democracies hinder true democratic governance because they appear to be functional systems, but they are not.[153] Comparably, Steven Levitsky and Lucan A. Way define competitive authoritarian regimes as systems that appear to be democracies due to the existence of formal institutions—electoral, legislative, and judicial systems plus the media—yet fail to allow fair competition. Thus, these governments appear to be democracies but are not because the political opposition has no tangible power.

In the evolution of democratic systems, democratic consolidation is the desired end state. Juan J. Linz and Alfred Stepan offer a framework of the necessary conditions for democratic consolidation based on constitutional strength, social participation, and political attitudes and behaviors.[154] Within this approach, Linz and Stepan define a consolidated democracy as "a political regime in which democracy as a complex system of institutions, rules, and patterned incentives and disincentives has become, in a phrase, 'the only game in town.'"[155] In other words, only a well-established democracy—

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[149] Ibid.

[150] Smith, *Democracy in Latin America*, 284.

[151] Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs*, December 1997, http://www.foreignaffairs.com/articles/53577/fareed-zakaria/the-rise-of-illiberal-democracy.

[152] Ibid.

[153] Ibid.

[154] Juan J. Linz and Alfred Stepan, "Toward Consolidated Democracies," *Journal of Democracy* 7, no. 2 (April 1996): 16.

[155] Ibid., 14.

implying no danger for democratic breakdown exists—can be considered a consolidated democracy.

Defining democracy is a complex task in which generalizations do not account for the various stages and nuances of democratic systems around the world. Nevertheless, one must appreciate theoretical frameworks and their applicability for evaluating and measuring the quality democratic systems. Furthermore, assessing the strength and weakness of democratic systems can reveal crucial fallacies and identify paths for progress.

Drawing from David Collier and Steven Levitsky's article, "Democracy 'with Adjectives,'" Andreas Schedler devises a graphical depiction of regime families—authoritarian regimes, electoral democracies, liberal democracies, and advanced democracies—to illustrate the conceptual progression of democratic consolidation (see Figure 4).[156] In this approach, electoral and liberal regimes both avoid regression toward authoritarianism and seek to improve the quality of the democratic system. The difference among regimes is based on progression toward consolidation. Electoral democracies have free and fair elections, but lack political and civil freedom. Liberal democracies not only foster stable election systems, but also guarantee civil, political, and human rights to their citizens. Advanced democracies, in turn, exceed and deepen the aforementioned democratic standards. In this context, Schedler's model defines five stages of democratic development.[157]

First, *preventing democratic breakdown* is the stage in which the state's transition out of an authoritarian regime has given way to an electoral or liberal democracy. Nevertheless, anti-system actors and possible military coups continue to threaten the democratic regime. As such, leaders become more preoccupied with securing democracy than institutionalizing it. If breakdown takes place in this stage, it will most likely be a

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[156] Andreas Schedler, "What Is Democratic Consolidation?," in *The Global Divergence of Democracies*, ed. Larry Diamond and Marc F. Plattner (Baltimore, MD: Johns Hopkins University Press, 2001), 151–52.

[157] Ibid., 151.

sudden and dramatic change.[158] Second, *preventing democratic erosion* indicates the process of fortifying liberal democracy while identifying and avoiding less obvious threats, such as incremental loss of civilian control and decay of constitutionalism. In this stage, the possible degradation of the regime is gradual and less transparent than in the previous stage.[159] Third, *completing democracy* refers to a stage where the electoral process functions well and the government is moving in the right direction, but some critical elements of the democratic structure are still deficient. These shortfalls often reflect authoritarian legacies in the form of inadequate constitutional laws, hegemonic political parties, and selective and biased rule of law.[160] Fourth, in *deepening democracy,* leaders are less preoccupied with survival and more interested in the quality of democracy. Here the overall governmental and institutional performance is satisfactory but still has room for improvement.[161] In the last stage, *organizing democracy,* the system reinforces institutional capacity and democratically advances in areas such as leadership and institutional performance, quality of the judicial system, and protection of civil and human rights.[162]

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[158] Ibid., 153–54.

[159] Ibid., 154–55.

[160] Ibid., 155–57.

[161] Ibid., 157–58.

[162] Ibid., 158.
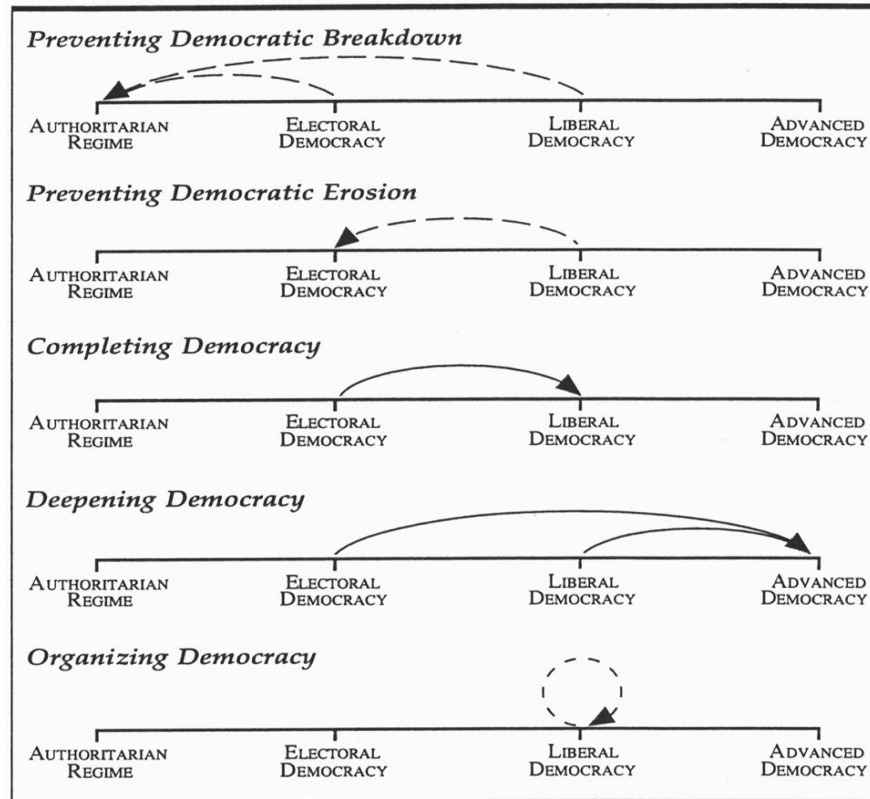
Figure 4.   Concepts of Democratic Consolidation[163]

2.   Measuring Democratic Consolidation in Guatemala

No standardized procedures or universal formulas exist to measure democracy. Nevertheless, various frameworks provide norms and criteria to evaluate democracy both qualitatively and quantitatively. This section describes Guatemala's performance according to the 2013 Economist Intelligence Unit (EIU) Democracy Index and the 2014 Freedom House assessment. Furthermore, this thesis presents an independent assessment of the current state of democracy in Guatemala based on Schedler's concepts of democratic consolidation.

The EIU Index measures democracy on a scale from zero to 10, evaluating countries scoring below 4 as *authoritarian regimes*, those between 4 and 5.9 as *hybrid democracies*, those between 6 and 7.9 as *flawed democracies*, and those between 8 and

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163 From Schedler, "What Is Democratic Consolidation?," 152.

10 as *full democracies*.[164] Variations in the electoral process and pluralism, government performance, political participation, democratic political culture, and civil liberties are taken into consideration in assigning a score to a country.

As such, the EIU Democracy Report for 2013 classifies Guatemala as a flawed democracy. This rating corresponds with Guatemala's score of 6.07, which barely qualifies for the flawed democracy category (see Figure 5). Additionally, Guatemala scored 8.75 in electoral process and pluralism, 6.79 in functioning of government, 4.38 in political culture, and 2.78 in political participation. The EIU defines flawed democracies as regimes that, despite having free and fair elections, display concerning elements such as weak governance, political culture, and participation in their platforms.[165]
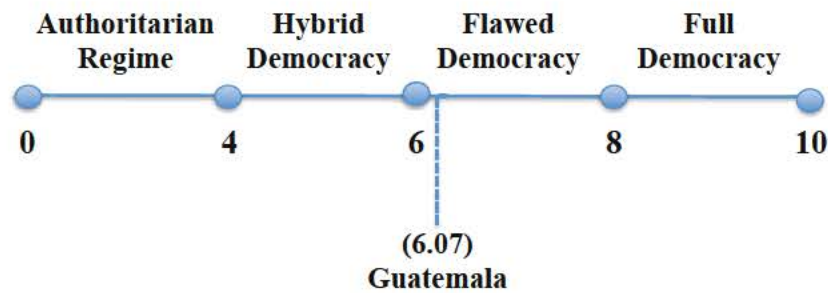
Figure 5.   EIU Democracy Index Scale and Guatemala's Placement[166]

Similarly, Freedom House conducts yearly assessments of democracy and freedom, classifying countries as *free, partly free*, or *not free*. It evaluates eight variables: the electoral process, political pluralism and participation, functioning of government, freedom of expression, associational and organizational rights, rule of law, personal autonomy, and individual rights.[167]

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[164] *Democracy Index 2013–Democracy in a Limbo* (Economist Intelligence Unit, 2014), 28, http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy_Index_2013_WEB-2.pdf&mode=wp&campaignid=Democracy0814.

[165] Ibid.

[166] After *Democracy Index 2013–Democracy in a Limbo*.

[167] *Freedom in the World 2014–Guatemala*.

In 2014, Freedom House rated Guatemala as partly free. Overall, the country received 3.5 out of 7 possible points, with lowest scores in the functioning of government (5/12 points) and rule of law (6/16 points) categories. Despite improvements in the overall democratic process, Freedom House continues to identify intimidation, corruption, and low institutional capacity as major problems for Guatemala.[168] For instance, in 2013, the administration closed the organization responsible for promoting peace projects at the municipal level, the National Fund for Peace (FONAZ), because of pervasive corruption. The Social Development Fund was created in its place, but Freedom House reports the new organization is also "plagued by corruption."[169] Freedom House also states that during judicial proceedings, witnesses and legal staff are constantly under threat.[170] In December 2012, for example, seven individuals with ties to the judicial system were killed in the town of Huehuetenango.[171]

3.   Assessment

Using Schedler's approach, the analysis of Guatemala's path to democratic consolidation indicates the country is a *completing democracy* (see Figure 6). In other words, Guatemala is an electoral democracy moving toward liberal democracy. As Schedler points out, most Latin American countries fall under the completing democracy classification because of constitutional legacies of authoritarian regimes, biased rule of law, and a need for state reform.[172]

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[168] Ibid.

[169] Ibid.

[170] Ibid.

[171] Ibid.

[172] Schedler, "What Is Democratic Consolidation?," 157.
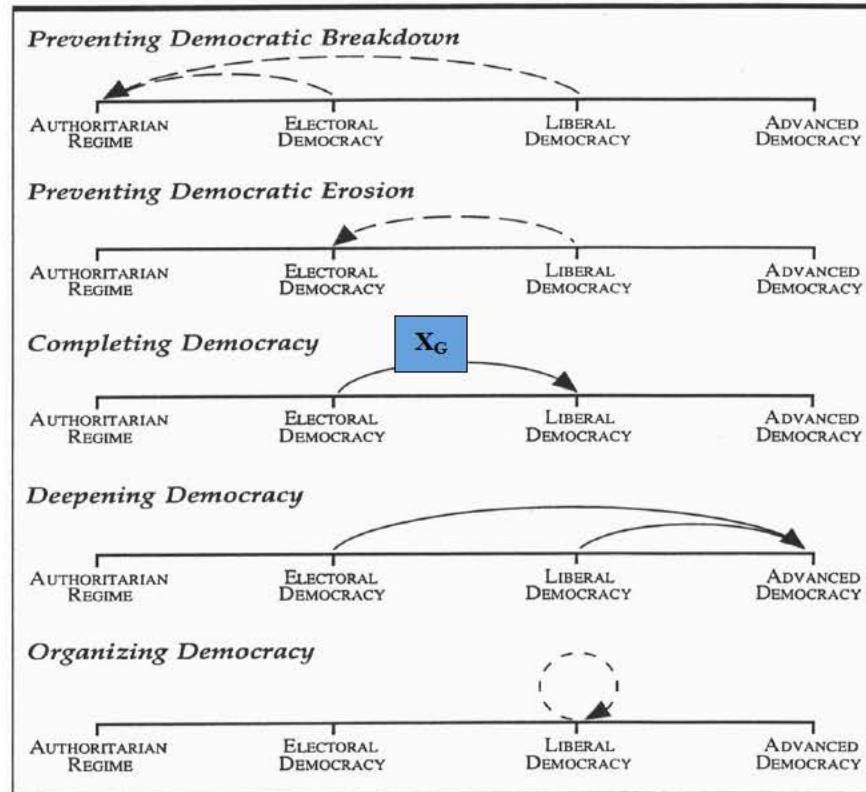
Figure 6. Concepts of Democratic Consolidation (X_G = Guatemala)[173]

As mentioned earlier, Guatemala's electoral system is well established but lacks some essential features of liberal democracies. Some might argue that Guatemala is in fact preventing democratic erosion, particularly after President Molina assumed power. Since his election, repression and domestic militarization has increased, along with social polarization. For instance, during anti-mining demonstrations in 2012, Molina favored *mano dura* tactics, using military force against protesters.[174] Despite such setbacks, due to the level of intervention from global players in the 1990s and current regime vigilance from international observers, Guatemala will not likely regress to an authoritarian regime.

Constitutional defects, as Schedler explains, are common in completing democracies, particularly in post-authoritarian electoral democracies that allow the

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[173] After Schedler, "What Is Democratic Consolidation?," 152.

[174] *BTI 2014*, 11.; *Mano dura*, or iron-fist, uses violent repressive force against crime or perceived crime, often leading to human rights violations and murder. In this aggressive tactic, due process is undermined resulting in the over execution of violence towards criminals and innocent citizens.

departing regime to influence constitutional law.[175] Schedler refers to this political dilemma as "constitutional legacies of military regimes."[176] As such, Guatemala's constitution is not completely free from its authoritarian past; it was written in 1985 and amended in 1993, before the completion of the peace accords in 1996. The peace process promised Guatemala's transition to a more secure and inclusive democratic state. Nevertheless, key measures such as the national referendum of 1999, which proposed critical constitutional reforms directly related to the peace accords, never passed the congress.[177] Another constitutional flaw is that, unlike consolidated democracies, Guatemala's constitution requires a uniformed officer to hold the position of minister of defense, blurring the lines of civil control over the military.[178]

Schedler's regime configuration for completing democracies also includes the existence of selective and biased rule of law.[179] Guatemala has experienced its fair share in this area. For example, in 2012, the CICIG accused 18 judges of using their positions to enable impunity by ruling in favor of criminals and dishonest politicians.[180] The case went to the Supreme Court, but by the end of 2013, only a handful of judges had testified during the investigation; it is not clear if any of them have been prosecuted.[181] In another example, the penal system concealed the existence of "VIP" prisoners. In 2013, Guatemala's minister of government disclosed that a group of selected inmates—including the notorious Captain Byron Lima who was incarcerated for the 1998 murder of Bishop Juan Jose Gerardi—in addition to other benefits, were allowed to leave jail at leisure. This finding created outrage among Guatemalans but most likely did not

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[175] Schedler, "What Is Democratic Consolidation?," 157.

[176] Ibid.

[177] "Guatemala's Crippled Peace Process."

[178] Orlando Peréz, "The Transformation of Civil-Military Relations in Post-Authoritarian Central America," in *Civil-Military Relationships in Developing Countries*, ed. Dhirendra K. Vajpeyi and Glen Segell (Lanham, MD: Lexington Books, 2013), 113.

[179] Schedler, "What Is Democratic Consolidation?," 155–57.

[180] *BTI 2014*, 12.

[181] *Sixth Report of Activities of the International Commission against Impunity in Guatemala (CICIG)* (The International Commission against Impunity in Guatemala (CICIG), 2013), 7, http://www.cicig.org/uploads/documents/2013/COM-045-20130822-DOC01-EN.pdf.

eliminate this practice; extensive extortion networks still exist inside Guatemala's prison system.[182]

Regardless of how one might label Guatemala's democratic system—whether a flawed democracy, partly free, or a completing democracy—in the path for democratic consolidation, the state still has a great deal of improvements to make. Guatemala's government must perform more effectively and design stronger accountability and self-enforcing mechanisms. Institutional reforms and updated legislation are also paramount. In *Comparative Peace Processes in Latin America*, Dinorah Azpuru highlights the importance of systematic changes for democratic consolidation in Guatemala:

> Regarding democratization, the [peace] accords provide for improvements in the justice system, the national police, Congress, the office of the Public Prosecutor, and other key institution. . . . The accords provide for . . . important changes in the structure and role of the army. Implementation of these changes for the political and institutional system may help consolidate democracy in Guatemala.[183]

As Guatemala completes democratization, it must focus on strengthening institutional capacity to improve citizen security. As such, the next chapter examines the judicial system, the reform of the national police, civil control over the armed forces, and social participation.

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[182] Miriam Wells, "'VIP' Prisoners Enjoy Privileges In Guatemalan Jails," *In Sight Crime–Organized Crime in the Americas*, February 21, 2013, http://www.insightcrime.org/news-briefs/vip-prisoners-enjoy-privileges-in-guatemalan-jails.

[183] Dinorah Azpuru, "Guatemala," in *Comparative Peace Processes in Latin America*, ed. Cynthia Arnson, 1st ed. (Stanford, CA: Stanford University Press, 1999), 120.

IV. INSTITUTIONAL CAPACITY AND SOCIAL FACTORS

Having established that Guatemala is not a consolidated democracy, this chapter analyzes the nation's most fundamental security institutions as well as social factors related to the high incidence of violent crime. This work reveals that while democratic institutional weaknesses have direct and cumulative effects on violence, social factors influence—but do not determine—security levels. On one hand, the inadequacies of the judiciary, the national police, and the civil control over the military are palpable. On the other hand, social factors are difficult to measure and demonstrate wide variations across communities. Even though this thesis concludes that social factors are not chief reasons for violent crime, they still play a role in influencing violence, and policymakers should consider their effects on this issue.

A. JUDICIAL SYSTEM

The judicial system is one of the pillars of a democratic system, and it is crucial for the protection of citizens. In *The Spirit of Democracy*, Larry Diamond explains, "A democratic rule of law requires a judiciary that is, at every level, neutral, independent from political influence, and reasonably competent and resourceful."[184] The following section discusses the organization of Guatemala's judicial system and evaluates its capacity to employ the rule of law and foster justice. But first, considering Guatemala's arduous path to democratization, it is relevant to understand the country's efforts toward transitional justice and reconciliation.

1. Transitional Justice and Reconciliation

Transitional justice and reconciliation are ongoing processes in Guatemala. Therefore, it is helpful to define such concepts. Various scholars explain the meaning of transitional justice, but the most commonly used definition comes from the International Center for Transitional Justice (ICTJ):

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[184] Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World* (Macmillan, 2008), 165.

Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for the victims and to promote possibilities for peace, reconciliation, and democracy. Transitional justice is not a special form of justice, but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades.[185]

Thus, by this definition, transitional justice is fundamental for Guatemala.

Equally important, reconciliation targets the necessary post-conflict conditions to repair social grievances and promote understanding among wrongdoers, ex-combatants, and victims. These essential elements include accountability, security, closure, and individual empowerment.[186] Helen Mack, a leading human rights activist in Guatemala, argues that reconciliation has different meanings to different individuals. The idea of "look[ing] forward to the future, not back at the past," might be the definition of reconciliation for the guerrilla and military members involved in the civil war.[187] Nevertheless, for many victims of genocide, reconciliation means bringing perpetrators to justice.[188] As such, for the past two decades, a number of justice and accountability initiatives have taken place in Guatemala, which the following paragraphs illustrate.

First, in an effort to seek reconciliation in post-conflict Guatemala, the UN established a truth commission in the early stages of reconstruction. After two years of investigations, the commission's final report concluded that genocide had indeed occurred and that the state's oppressive institutions included the military and the judicial system. Based on agreements between the government and the rebels, the commission was not allowed to place responsibility. Nevertheless, it made recommendations for

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[185] Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice In Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace, 2010), 10–11.

[186] *Post-Conflict Reconstruction* (Center for Strategic & International Studies (CSIS), May 2002), 3; 10–11, http://csis.org/files/media/csis/pubs/framework.pdf.

[187] Helen Mack, "What Is Reconciliation?," in *The Guatemala Reader: History, Culture, Politics*, ed. Greg Grandin, Deborah T. Levenson, and Elizabeth Oglesby (Durham, NC: Duke University Press Books, 2011), 451.

[188] Ibid.

reparations such as state reform, financial remuneration for the indigenous people, and construction of memorials.[189]

Second, the creation of the UN's CICIG has positively influenced the effectiveness of the Supreme Court. Established in 2007, the CICIG works in full partnership with Guatemala's government, and, unlike the International Court of Justice (ICJ), it does not replace the Guatemalan judicial system. The commission's main responsibilities include policy and reform recommendations to the state and expert support for the investigation and prosecution of illegal security forces and clandestine security organizations (CIACS).[190] Prior to the CICIG, arresting corrupt government officials was extremely difficult due to political pressures and retaliation. Nevertheless, with the help of this commission, the Supreme Court has found a moderate sense of political independence compared to previous years.[191]

Third, the UN established the Transitional Justice Program (PAJUST) in 2010 to support and strengthen the country's fight against impunity. The program focuses on human rights, seeking investigatory transparency, justice, and social healing.[192] One of its major contributions has been the conviction of two police officers for crimes committed during the civil war; the evidence used in the trial was found in the Historic Archives of the National Police, which PAJUST funds.[193]

Finally, the 2010 appointment of Claudia Paz y Paz as attorney general advanced the pursuit of justice across all spectrums of Guatemalan society. During her four years in office, the justice system experienced unprecedented improvements as she diligently pushed for the prosecution of war crimes and favored transparency in highly politicized cases.[194] Despite efforts to transform the judicial system, criticism and pushback against

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[189] "Truth Commission."

[190] *Sixth Report*, 3.

[191] *BTI 2012*, 3.

[192] *Strengthening the Rule of Law in Crisis-Affected and Fragile Situations* (United Nations Development Programme, 2012), 21, http://www.undp.org/content/dam/undp/library/crisis%20prevention/ROLAR2012SEPT.pdf.

[193] Doyle, "The Pursuit of Justice in Guatemala."

[194] *BTI 2012*, 12.

institutional reforms have continued to pour in from the elite. To the astonishment of human rights activists and the international community at large, Paz y Paz was not considered as a nominee for attorney general in 2014, despite her impeccable record. Instead, the current administration appointed Thelma Aldana, a lawyer who apparently favors amnesty for military officers involved in the genocide.[195] The pervasiveness and influence of unethical and powerful groups has become a significant obstacle in the process of justice and reconciliation.[196]

2.   Description of the Judiciary

The judiciary is an independent branch of the government. Decree 2-89 of the Guatemalan congress stipulates that the judiciary has sovereign power, given by the people, to enforce the law according to the constitution.[197] The Supreme Court and the Constitutional Court are Guatemala's highest justice intuitions.[198] The Supreme Court oversees the major justice system and is structured into three high court chambers: civil, criminal, and protection/anti-trial (*amparo*/*antejuicio*)—the last of which deals with constitutional law and matters of immunity for public officials.[199] The Supreme Court also adjudicates governmental issues. For instance, under the current administration, the Supreme Court has handled disputes over education and tax reform.[200] The congress appoints the 13 members of the Supreme Court, the 43 court of appeals judges, the attorney general, and the public prosecutor.[201]

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[195] Anita Isaacs, "New Bad Old Times for Guatemala?," *The New York Times*, May 14, 2014, http://www.nytimes.com/2014/05/15/opinion/new-bad-old-times-for-guatemala html.

[196] *BTI 2012*, 13.

[197] "Description of the Judiciary System in Guatemala," *Center of the Administration of Justice–Florida International University*, accessed January 20, 2014, http://caj fiu.edu/national-cj-systems/central-america/guatemala/.

[198] *Guatemala Country Profile* (Geneva, Switzerland: The International Security Sector Advisory Team, January 16, 2015), 3, http://issat.dcaf.ch/Home/Community-of-Practice/Resource-Library/Country-Profiles/Guatemala-Country-Profile.

[199] Marisol Fión, "Guatemala," *Latin Lawyer*, October 8, 2014, http://latinlawyer.com/reference/topics/60/jurisdictions/81/guatemala/.

[200] *BTI 2014*, 12.

[201] Pablo González, "Guatemala," in *Handbook of Central American Governance*, ed. Diego Sánchez-Ancochea and Salvador Martí i Puig, 1st ed (New York: Routledge, 2013), 408.

At the lower levels, the judicial system is organized into specialized courts. The peace courts address small claims; the first instance courts are the first line of justice for civil disputes and criminal trials; and the courts of appeals hear first-time pleas.[202] Other courts addressing special matters include the child and adolescent courts, the continuous administrative tribunal, and the appellate court of accounts.[203] One to three judges preside over these courts, but in some instances, a mayor might fulfill the role of judge at smaller municipalities.[204] Lastly, military courts preside over crimes committed by uniformed members, and the civilian system has limited information on those cases.[205]

In addition to the CICIG, three other independent organs serve advisory roles in the protection of state, civil, and human rights: the Offices of the Public Prosecutor, the Attorney General, and the Human Rights Ombudsman. Decree 40-94 of congress specifies the duties of the public prosecutor, who predominantly has an auxiliary role to the judicial system. The public prosecutor, however, has the authority to carry out, discontinue, or waive legal proceedings based on discretionary findings.[206] Additionally, the attorney general is the head of the Public Ministry and the state's legal representative, assisting and advising the court system and the government.[207] The duties and responsibilities of this position are specified in decree 512 of congress.[208] Finally, the ombudsman investigates possible human rights violations and fosters the improvement of policies and measures in this area.[209] The ombudsman is also part of the Congressional

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202 "Description of the Judiciary System in Guatemala."

203 Ibid.

204 Ibid.

205 *Guatemala Country Profile*, 3.

206 *Procecutorial Reform Index for Guatemala* (Washington, DC: American Bar Association, May 2011), 53,
http://www.americanbar.org/content/dam/aba/directories/roli/guatemala/guatemala_prosecutorial_reform_index_2011.authcheckdam.pdf.

207 *BTI 2012*, 3.

208 "Description of the Judiciary System in Guatemala."

209 Ibid.

Committee on Human Rights and is responsible for drafting public reports and providing advice to policymakers.[210]

3.   Assessment

While the judiciary has demonstrated some progress in the past few years, it continues to be an inadequate system. Guatemala has increased the number of high-profile prosecutions involving government officials, most notably between 2009 and 2012 during which time conviction rates doubled.[211] The CICIG has made significant contributions to the judicial system, particularly by working jointly with the Office of the Public Prosecutor.[212] According to CICIG's last report, the prosecution of murder cases increased by 23 percent between 2009 and 2012.[213] Despite its support of the Guatemalan justice system, the CICIG is scheduled to terminate its mandate in September 2015, and President Molina has not approved an extension.[214]

Accountability within the judiciary is a key problem for Guatemala. Even though the Public Ministry is responsible to provide oversight, measures continue to be insufficient; most commonly, corruption and intimidation severely damage the system. Bunck and Fowler explain, "Prosecutors have been especially weak, the courts especially corruptible, and the tradition of elite impunity especially strong. These flaws plainly contributed to the grave difficulties Guatemala has experienced."[215] Systematic roadblocks within the judiciary contribute to the proliferation of crime and impunity. Homicide rates continue to be high while prosecution remains low. A Human Rights Watch report on Guatemala states that only 2 percent of criminal cases were solved and

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[210] *Guatemala 2013 Human Rights Report*, 14.

[211] *Freedom in the World 2014–Guatemala*.

[212] *Sixth Report*, 6.

[213] Ibid.

[214] Taft-Morales, *Guatemala*, 12.

[215] Bunck and Fowler, *Bribes, Bullets, and Intimidation*, 201.

the perpetrators brought to justice in 2013.[216] At 70 percent, Freedom House's reported impunity rates for the same year are more conservative, nevertheless still alarming.

The repertoire of problems within the judiciary is vast. The constitution calls for an independent judicial branch; nevertheless, political pressure is frequently placed on the judiciary.[217] Elite circles, including groups of public officials such as lawyers' associations, often influence the appointment of judges and other decision-making mechanisms.[218] Judges can stay in place for 20 years, but sometimes they have to comply with or compromise according to external interests groups in order to hold their posts.[219] Thus, complacency and legal inertia become an issue.[220] The 2014 Bertelsmann Stiftung's Transformation Index reports, "With this influence ranging from extensive corruption to small bribes, the chain of justice is weak."[221] Prosecution of corruption cases within the judiciary rarely takes place, even when the media and other civil organizations denounce the lack of justice.[222] Other salient problems include lack of resources and low professionalization of juridical staff.[223]

Arguably, the criminal trial of retired general and former president José Efraín Ríos Montt is the prime example of the judiciary's inadequacies. Between 1982 and 1983, he led an aggressive campaign, called *Beans and Bullets*, against the insurgency, which resulted in the torture and deaths of thousands of peasants.[224] Former Attorney General Paz y Paz became a key figure during the proceedings, diligently ensuring the case moved forward despite political pressure. On May 10, 2013, the Guatemalan justice

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[216] "World Report 2013: Guatemala," 2013, http://www hrw.org/world-report/2013/country-chapters/guatemala.

[217] *BTI 2014*, 13.

[218] Ibid., 13–14.

[219] Ivan Briscoe and Marlies Stappers, *Breaking the Wave: Critical Steps in the Fight against Crime in Guatemala* (Clingendael Institute - Netherlands Institute of International Relations, January 2012), 20, http://search.proquest.com.libproxy.nps.edu/docview/1030885496/B069BA0B6F454EA2PQ/2?accountid=12702.

[220] Ibid.

[221] *BTI 2014*, 13.

[222] Ibid., 14.

[223] Ibid., 13.

[224] Doyle, "The Pursuit of Justice in Guatemala."

system convicted Ríos Montt of genocide and sentenced him to 80 years in prison. The sentence was considered a victory for genocide victims, human rights observers, and international activists.[225] But the victory was short-lived; within two weeks, the Constitutional Court overturned the verdict under a legal technicality.[226] Former military and business owners allegedly involved in the civil war embraced the dismissal of the final ruling.[227] Furthermore, after the initial conviction and with the support of the current president, the main prosecutor was dismissed from participating in any further hearings related to the case.[228] Ríos Montt was placed under house arrest and a new trial was scheduled for 2015.[229]

On January 5, 2015, the new trial started, only to be suspended shortly after it began. After the judge denied the defense's claim that Ríos Montt's was too sick to stand trial, the layers brought the former general into the courtroom on a medical bed. The defense team quickly found another way to stop the trial; since the principal judge in the case had written a college thesis on genocide, the team claimed the trial would not be fair and unbiased.[230] This time, the tactics worked, and the trial was postponed. On January 13, 2015, Ríos Montt did not appear for a court hearing, blaming poor health. As a result, the court ordered him to undergo a medical evaluation and legal proceedings were halted once again.[231] Ríos Montt's case demonstrates that the weight of political influence is alive and well in the Guatemalan judicial system.

This evaluation indicates that although Guatemala's judiciary has made moderate improvements since the peace accords, it clearly lacks institutional capacity. The rule of

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[225] "Justice on Trial in Guatemala: The Ríos Montt Case - Latin America Report N°50," *International Crisis Group*, September 23, 2013, http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala/050-justice-on-trial-in-guatemala-the-rios-montt-case.aspx.

[226] Isaacs, "New Bad Old Times for Guatemala?"

[227] Ibid.

[228] "Justice Confused," *The Economist*, January 10, 2015, http://www.economist.com/news/americas/21638190-trial-ailing-ex-dictator-plagued-chaos-justice-confused.

[229] Isaacs, "New Bad Old Times for Guatemala?"

[230] "Justice Confused."

[231] "Guatemala Ex-Ruler No Show at Trial," *BBC News*, January 13, 2015, http://www.bbc.com/news/world-latin-america-30807810.

law is not equally enforced among Guatemala's citizens, and often members of the elites enjoy undeserving privileges. The system is plagued with corruption and clientelism while accountability mechanisms are inadequate. Promising improvement efforts such as the CICIG and the prosecution of war crime perpetrators have lost momentum. The judicial system has stagnated and runs the risk of institutional erosion. Impunity undermines citizen security. Conclusively, the ineffectiveness of the judiciary promotes a self-reinforcing system of violent crime and impunity.

B.   POLICE REFORM

Considering Guatemala's overlapping spheres of interest and intricate political and social dynamics, conceptualizing police reform for this nation proves rather complex. Nevertheless, police reform is relevant for Guatemala because it offers a tangible measure of crime reduction and containment. While it might be natural to assume that police reform in Guatemala will result in improved security, reform must also take place in the larger institutional systems that support the police force, such as the previously mentioned judicial system. The following sections define the term *police reform* and provide an overview of the PNC structure and related obstacles for Guatemala.

1.   Understanding Police Reform

The main function of the police force is to serve its national community, enforce the law, ensure the safety of all citizens, and protect human rights.[232] When law enforcement fails to deliver results, the idea of police reform becomes a practical solution. Nevertheless, the topic of police reform is loosely defined among scholars, widely discussed among leaders, and poorly implemented in Latin America. For some, police reform means reorganizing the entire police structure; for others, it means increasing funding, training, and capability. Yet for scholars like Mark Ungar, it is part of a larger dimension that includes legal, political, and social dynamics.

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[232] *Police Reform in Guatemala: Obstacles and Opportunities–Latin America Report N°43* (International Crisis Group, July 20, 2012), ii, http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala/043-police-reform-in-guatemala-obstacles-and-opportunities.aspx.

Conceptually, police reform means making the police force more effective and efficient within democratic parameters to improve security. In a consolidated democracy, institutions have a complementary relationship, and the police force is an essential element of the democratic system. Therefore, police reform is not possible without a collaborative environment that supports change: an efficient government, properly designed laws, effective accountability processes, a working legal system, and a willing police force. When these elements are weak or missing, police performance is critically compromised.

2.   Description of the National Police

The peace accords of 1996 initiated Guatemala's police reform with the signing of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society.[233] The National Commission for National Civil Police Reform oversaw the initial steps toward reorganization. The government dissolved the Military Police, restructured the National Police and the *Guardia de Hacienda*, and created one integrated system, the National Civil Police (PNC).[234] In 2010, Government Agreement 361-2010 authorized the creation of the National Commission on Police Reform.[235] As such, the president appoints the head of the commission, who is responsible for providing police reform oversight and recommendations to policymakers.[236] Some key issues addressed by this organization include police efficiency, adequate criminal investigations, professionalization, and accountability.[237]

The PNC falls under the authority of the Ministry of Interior. Nevertheless, the Ministry of Defense, the Office of the Public Prosecutor, and the Office of the Human Rights Ombudsman also have roles in the security system, such as oversight and protection of human rights.[238] The Minister of the Interior appoints the PNC's director

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[233] *Public Security INDEX*, 69.

[234] Ibid., 77.

[235] Ibid.

[236] *Guatemala Country Profile*.

[237] *Public Security INDEX*, 71.

[238] *Guatemala 2013 Human Rights Report*, 14.

general.[239] The police force's primary mission is to protect the life and property of all citizens and to combat crime.[240] The PNC has eight sub-directorates: operations, criminal investigations; personnel; logistics and support; crime prevention; counternarcotic information analysis; studies and doctrine; and communications and information technology.[241] The PNC's Office of Professional Responsibility conducts internal investigations.[242] In 2012, the administration authorized the creation of special task forces to combat serious forms of crime such as homicide, femicide, and kidnapping.[243]

As of 2012, the PNC had 26,201 members, approximately 0.6 percent of the population.[244] Police officers operate across six regional headquarters with 27 primary police stations, 127 posts, and 343 substations.[245] Admission to the police force requires meeting a selection board and is open to males and females between the ages of 18 and 30 with secondary education completed, no police records, and no tattoos.[246] The sub-directorate of studies and doctrine oversees the training and education of police officers at the National Civil Police Academy, the Police Officer Training School, the School of Superior Studies, and the Police School for Specialization.[247] Career ascension ranges from basic level to directorate. Table 7 depicts the various ranks within each level of the PNC's career path.

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[239] *Public Security INDEX*, 79.

[240] Translated by author from "Dirección General de La Policia National Civil," *Gobieno de Guatemala*, accessed February 10, 2015,
http://www.pnc.gob.gt/index.php?option=com_k2&view=item&layout=item&id=163&Itemid=210.

[241] *Public Security INDEX*, 79.

[242] *Guatemala Country Profile*, 4.

[243] *Guatemala Country Profile*.

[244] *Public Security INDEX*, 66.

[245] Erik Alda, "How Are Police Doing in Combating Crime? An Exploratory Study of Efficiency Analysis of the Policía Nacional Civil in Guatemala," *Policing: An International Journal of Police Strategies and Management* 37, no. 1 (2014): 90.

[246] *Public Security INDEX*, 82.

[247] Ibid.

Table 7.   PNC Career Progression[248]

Police Career			
Basic Level	**Mid-Level**	**Senior Level**	**Directorate**
Agent	G3 Officer	Deputy Commissioner	Deputy Director General
Deputy Inspector	G2 Officer	Commissioner	Director General
Inspector	G1 Officer	General Commissioner	

The 2013 PNC's budget was in the vicinity of $382 million.[249] It accounts for 48 percent of the security budget and approximately 1.5 percent of Guatemala's gross domestic product (GDP).[250] From 2012 to 2013, the PNC budget experienced an increase of approximately 10 percent. Figure 7 illustrates the evolution of the PNC budget over seven years.
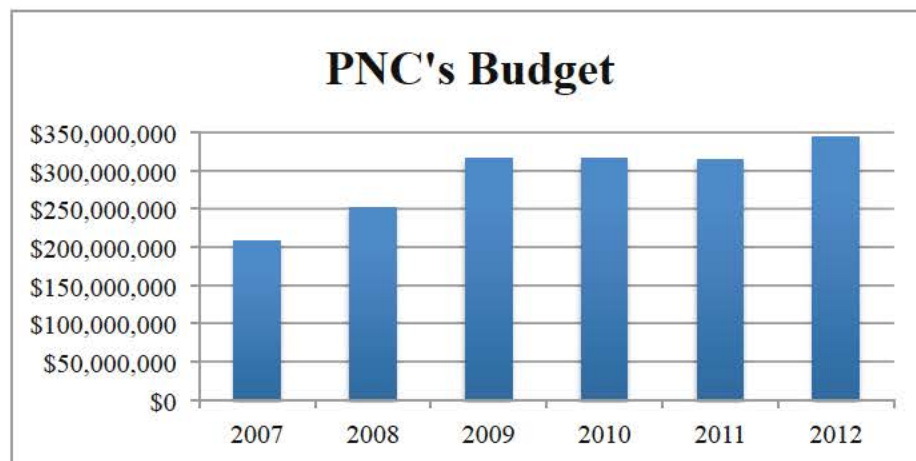

Figure 7.   Guatemala's PNC Budget Progression[251]

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[248] After *Public Security INDEX*, 82.

[249] *Public Security INDEX*, 73–74.

[250] Ibid., 73.

[251] After *Public Security INDEX*, 82

3. Assessment

An inextricable link exists between security and police force capacities.[252] Police performance is problematic; while incentives are low, corruption and abuse are high. According to Freedom House, over 1,500 complaints of police abuse were reported to authorities in 2013 alone.[253] A recent study empirically measuring the efficiency of the National Police reported low police performance in 18 of 22 Guatemalan provinces.[254] Consequently, citizens commonly dislike, distrust, and fear the police force. In 2013, for instance, only 24 percent of the population expressed trust in the police.[255] Overall, Guatemala demonstrates five primary challenges for police reform.

First, the very structure and organizational culture of the Guatemalan police force is an obstacle to reform. The lack of incentives for police performance—such as low wages, slow career ascension, inadequate training, and ill-defined operational procedures—leads to reduced commitment and low morale.[256] For instance, in 2013, members of the police force complained of reform stagnation and threatened to go on strike if salaries were not increased and work conditions did not improve.[257] Other problems affecting police reform include poor allocation of resources, the lack of a centralized command and control, and resistance to change.[258] The police are understaffed; Guatemala employs approximately 173 police officers per 100,000 habitants, but the UN recommends 222 officers for the same number of residents.[259] Even though budget allocation for security has increased in the past few years, the Public

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[252] Alda, "How Are Police Doing in Combating Crime?," 88.

[253] *Freedom in the World 2014–Guatemala.*

[254] Alda, "How Are Police Doing in Combating Crime?," 88.

[255] *Public Security INDEX*, 66.

[256] Alda, "How Are Police Doing in Combating Crime?," 103.

[257] *BTI 2014*, 2.

[258] *Guatemala 2013 Human Rights Report*, 5.

[259] Patrick Corcoran, "Report Puts Guatemala National Police Under the Microscope," *In Sight Crime–Organized Crime in the Americas*, March 26, 2014, http://www.insightcrime.org/news-analysis/report-puts-guatemala-national-police-under-the-microscope.

Ministry has ineffectively managed resources, resulting in limited overall improvements to the police force.[260]

A weak political sphere is another obstacle to police reform. To gain support for elections, for example, politicians tend to use reactionary measures such as military force and *mano dura* policies.[261] *Mano dura,* or heavy hand*,* uses violent repressive force against crime, often leading to human rights violations and murder. This aggressive tactic undermines due process, resulting in the overuse of violence toward criminals and innocent citizens alike. For instance, Guatemala's *Plan Escoba*, or Operation Broom, allowed police officers to apprehend suspected criminals, such as gang members, without due process.[262] Ranum explains how the operation worked between 2003 and 2004: "This crackdown strategy consisted merely of the massive and indiscriminate detention of thousands of youths suspected, sometimes rightly and often wrongly, to have some relations to gangs."[263] In Guatemala, reactionary approaches might appear to reduce crime, but ultimately, they result in limited deterrence.[264] Deviation from professional ethics can range from small infractions to government officials' participating in organized crime. Police officers have been rightfully accused of stopping vehicles, demanding bribes, and stealing private property.[265]

Third, legal and judicial systems are essential elements of law and order, but in Guatemala these institutions enable poor police performance. Inadequate procedures and vague laws facilitate police abuse and prevent effective responses to crime. For instance, in 2012 the Office of the Public Prosecutor dismissed over one third of the complaints received against the police.[266] The Department of State's *Guatemala 2013 Human Rights Report* states, "Police impunity for criminal activities continued to be a serious

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260 Ibid.

261 Zinecker, *Violence and Peace*, 33.

262 Ungar, *Policing Democracy*, 28.

263 Ranum, "Street Gangs of Guatemala," 79.

264 Bruneau, "Street Gangs in Central America."

265 *Guatemala 2013 Human Rights Report*, 6.

266 *Public Security INDEX*, 80.

problem. . . . The PNC routinely transferred officers suspected of wrongdoing rather than investigating and punishing them."[267] Legal authorities can exercise a great amount of personal discretion, including dismissal of cases, arbitrary detention, delayed investigations, and faulty trials.[268] The penitentiary system also shows serious problems. As of early 2015, the system had over 18,000 inmates in facilities with capacity to house 6,500 inmates; over 47 percent of these detainees are still awaiting trial.[269]

Fourth, the police lack institutionalized mechanisms for accountability. Internal inadequacies and poor accountability undermine the entire police force. The PNC's Office of Professional Investigations (ORP) is responsible for internal investigations whenever police officers are implicated. In 2013, the ORP received hundreds of complaints against police officers, but no data is available on the outcome of these cases.[270] Corruption and misconduct are major problems within the police ranks, exacerbated by the lack of accountability.[271] Therefore, improvements to police accountability require a systematic approach. Mariana Mota Prado, Michael Trebilcock, and Patrick Hartfold explain, "[Police] reformers should promote accountability, starting with the most basic mechanisms . . . moving to more complex ones only when the basic ones are in place."[272] In Guatemala, however, the police structure is unable to universally enforce appropriate rules, rewards, and sections, which are fundamental for institutional accountability.[273]

The CICIG, however, has served as an accountability mechanism across numerous Guatemalan public institutions to include the PNC. As such, the CICIG has successfully investigated and prosecuted a number of police officers linked to criminal

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[267] *Guatemala 2013 Human Rights Report*, 5.

[268] Taft-Morales, *Guatemala*, 15.

[269] "World Prison Brief: Guatemala," *International Centre for Prison Studies - ICPS*, accessed February 9, 2015, http://www.prisonstudies.org/country/guatemala; *Public Security INDEX*, 83.

[270] *Guatemala 2013 Human Rights Report*, 5–7.

[271] Ungar, *Policing Democracy*, 28.

[272] Mariana Mota Prado, Michael Trebilcock, and Patrick Hartford, "Police Reform in Violent Democracies in Latin America," *Hague Journal on the Rule of Law* 4, no. 02 (September 2012): 265, doi:10.1017/S1876404512000164.

[273] Ibid., 266.

networks.[274] One such case was the conviction of former PNC chief of criminal investigations Victor Hugo Soto Dieguez and two accomplices for killing 10 inmates between 2005 and 2006.[275] On August 8, 2013, Soto was sentenced to 33 years in prison while his collaborators each received 25 years.[276] Despite its positive contributions to police accountability, the CICIG has been losing momentum within Guatemalan establishments due to lack of support and funding from the current administration.

Fifth, privatization of security is becoming all-pervasive. Elite Guatemalans are finding ways to provide security for themselves in the form of gated communities and personal bodyguards. In Guatemala, hiring private security is common whenever affordable. In 2013, an estimated 280 private security firms—of which only 140 were registered—employed 51,000 guards nationwide.[277] Despite being common and widely available, this type of security service is loosely regulated and just about anyone, properly trained or otherwise, can fill security guard positions.[278] Furthermore, private security undermines the legitimacy of the state and, as Ungar proposes, questions "the government's ability to fulfill one of its most fundamental tasks."[279]

The immediate assumption is that the role of the police is to provide security. Nevertheless, Guatemala's PNC has been unable to fulfill its mission. Its force is poorly trained and too small for the number of Guatemalan citizens; resources are mismanaged; internal accountability structures are weak. For this reason, the concept of police reform is widely debated. *Police reform* is a term loosely defined yet very important. Theoretically, it means improving security. Yet police reform has shown little progress in creating the mechanisms necessary for preventing and combating violent crime in Guatemalan communities.

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[274] *BTI 2014*, 34.

[275] *Guatemala 2013 Human Rights Report*, 7.

[276] Ibid.

[277] *Public Security INDEX*, 87.

[278] Ungar, *Policing Democracy*, 44.

[279] Ibid.

C.   CIVIL-MILITARY RELATIONS IN GUATEMALA

Civil-military relations focus on the distribution of power between a democratically elected government and the armed forces.[280] As such, the subordination of the military to civil authorities is a key characteristic of consolidated democratic systems. This crucial relationship influences society and, as witnessed through history, is powerful enough to solidify or threaten the political direction of states. Glen Segell and Dhirendra K. Vajpeyi explain the importance of this topic:

> The study of civil-military relations shows that military institutions are microcosms of the societies that create them. As such the armed forces are also fundamental in shaping society while society is fundamental in shaping the armed forces; soldiers are also residents and citizens with family in the society of the country that they serve.[281]

The concept of civil control over the military has been widely investigated. For instance, to evaluate civil-military control, scholars have and continue to adapt Alfred Stepan's military prerogatives. Now, Thomas Bruneau and Cristiana Matei's contemporary paradigm introduces the analysis of effectiveness as an essential tool in the study of civil-military relations and democratic consolidation.[282] Therefore, a thorough understanding of civil-military relations becomes particularly important for new democracies such as Guatemala. Considering the extent of repression and violence incited by the armed forces during the military regime and the current levels of violent crime in modern Guatemala, the process of demilitarization and reform of the armed forces, as well as the strengthening of security, has been crucial to this society.

As part of the peace process and in the context of civil-military relations, the United Nations facilitated the 1996 Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society.[283] The agreement directed a series of constitutional and military reforms to ensure civil control over the armed forces.

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[280] Peréz, "The Transformation of Civil-Military Relations," 2013, xi.

[281] Ibid., 9.

[282] Cristiana Matei, "Developing Effective Armed Forces in the Twenty First Century Case Studies of New Democracies," *Journal of Defense Resources Management* 2, no. 1 (2011): 23.

[283] Zoltan Barany, *The Soldier and the Changing State: Building Democratic Armies in Africa, Asia, Europe, and the Americas* (Princeton, NJ: Princeton University Press, 2012), 171.

More specifically, it demanded the restriction of the military to external defense, the elimination of anti-guerilla units, and the reduction of scope and funding for the military defense system.[284] As a result, the security sector reorganized, the military police disintegrated, and the Ministry of the Interior created the PNC; meanwhile, the military remained under the control of the Ministry of Defense (MOD).[285]

Guatemala's defense system is a vertically organized institution with seven major echelons. The democratically elected civilian president is the general commander of the army and controls the MOD.[286] The National Security Council advises the president, and its members include the vice president, the secretary of strategic intelligence of the state, the attorney general, and the ministers of foreign affairs, government, and defense.[287] The National Defense Staff, whose Joint Military Staff also advises the president, falls under the MOD. The army, navy, and air force, also subordinate to the MOD, are the next three echelons.[288] Figure 8 depicts the defense system's chain of command. Congress's National Defense Committee (not depicted) oversees the entire defense system.[289]

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[284] Ibid.

[285] *Public Security INDEX*, 66, 69.

[286] *A Comparative Atlas of Defense in Latin America and Caribbean* (Buenos Aires, Argentina: RESDAL, 2014), 18, http://www resdal.org/ing/assets/resdal-2014_complete.pdf.

[287] Ibid., 206.

[288] Ibid.

[289] Ibid.; Peréz, "The Transformation of Civil-Military Relations," 2013, 113.
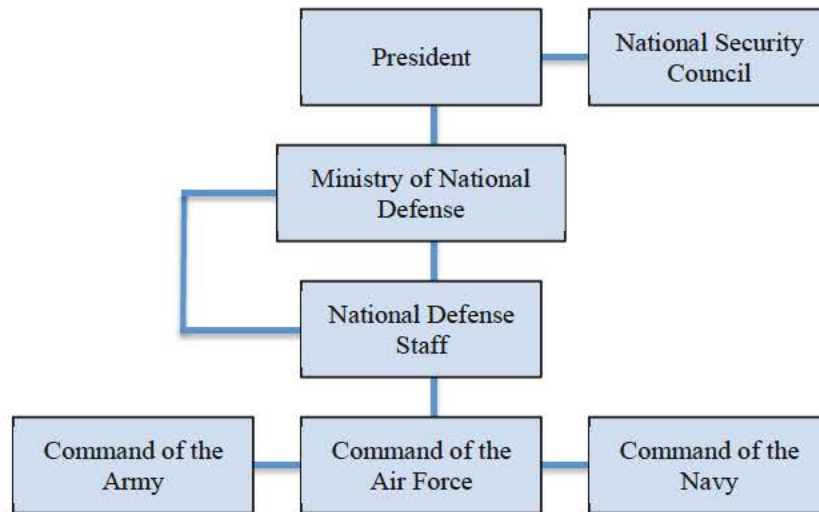
Figure 8.   Guatemala's Defense System Organization[290]

As of 2014, the Guatemalan armed forces had 22,326 members, approximately 0.14 percent of the population.[291] Up to 18 months of military service is mandatory for males; in practice, however, most members are volunteers.[292] Women are allowed to serve and account for 6 percent of the total military force.[293] There are approximately 2,600 officers, all of whom must be native Guatemalan citizens without any other foreign nationality.[294] Table 8 illustrates the total number of military personnel in Guatemala.

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[290] From *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 25.

[291] Ibid., 96, 206.

[292] Ibid., 68; "The World Fact Book–2014," *CIA*, accessed December 11, 2014, https://www.cia.gov/library/publications/the-world-factbook/fields/2024.html.

[293] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 209.

[294] Ibid., 18.

Table 8.   Armed Forces Strength[295]

Guatemala's Total Military Force (2014): 22,326							
Army		Navy		Air Force		Citizen Security (Part of the Army)	
15,568		1,666		1,008		4,084	
Officers	Enlisted	Officers	Enlisted	Officers	Enlisted	Officers	Soldiers
1,990	13,578	224	1,442	180	828	207	3,877
Man		Man		Man		Man	
1,824	12,721	212	1,377	177	733	207	3,707
Women		Women		Women		Women	
166	857	12	65	3	95	0	170

The organization of the Guatemalan defense structure provides a reference for the scope and strength of the military. Next, this thesis examines two frameworks for the analysis of civil-military relations: Stepan's military prerogatives and Bruneau and Matei's concept of democratic control and military effectiveness.

1.   Civil-Military Relations Based on Military Prerogatives

Stepan offers a theoretical framework that measures military privileges and influence within a democratic state. This model evaluates 11 military prerogatives rated as low, medium, or high.[296] Inherently, these military prerogatives are inversely proportional to civil-military control; in other words, the lower the rating of the prerogatives, the higher the civilian control over the military. This model proves to be useful in examining the strength of civil-military relations. Bruneau and Scott D. Tollefson explain, "A central element of the democratic deepening is the diminishment of the military prerogatives."[297] In *Civil-Military Relations in Developing Countries*, Orlando J. Pérez evaluates Stepan's framework in regard to Guatemala's current state of affairs.[298] Table 9 illustrates Pérez's findings.

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[295] From *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 62, 209.

[296] Peréz, "The Transformation of Civil-Military Relations," 2013, 104–105.

[297] Thomas C. Bruneau and Scott D. Tollefson, "Civil–Military Relations in Brazil: A Reassessment," *Journal of Politics in Latin America* 6, no. 2 (August 25, 2014): 113.

[298] Peréz, "The Transformation of Civil-Military Relations," 2013, 106–107, 120.

Table 9.   Assessment of Guatemala's Military Prerogatives[299]

Alfred Stepan's Framework on Military Prerogatives	Guatemala	Assessment
1. Constitutionally sanctioned independent role for the military in the political system	Medium	Some role in the political system
2. Military relations with the chief executive	Low	Chief executive is both the jure and de facto commander in chief of the armed forces
3. Coordination of defense sector	High	Performed almost exclusively by uniformed military commanders within each branch of the armed forces with little to no coordination by civilians
4. Active duty military participation in the cabinet	Medium	A few, exclusively focused on military affairs
5. Role of legislature	High	No oversight function. Merely rubber stamps decisions made by the military of the chief executive
6. Role of senior career civil servants or civilian political appointees	High	Active duty military officials fill most, if not all, defense sector positions
7. Role in intelligence	High	Intelligence agencies controlled by uniformed military officers, combining intelligence gathering and operational matters
8. Role in police	Low	Police under civilian control
9. Role in military promotions	Medium	Combination of civil and military control
10. Role in state enterprises	Medium	Retired military officers may serve as head of state enterprises. Rarely do active duty members serve in that capacity
11. Role in legal system	Medium	Military has some jurisdiction outside military matters

[299] From Peréz, "The Transformation of Civil-Military Relations," 2013, 106-107.

Pérez rates nine of 11 prerogatives as medium or high, indicating that Guatemala's military is still a powerful and influential institution. Expanding from Stepan's framework, Pérez also examines the strength of civil-military relations through four crucial factors: constitutional and legal arrangements; nature and organization of the military; role of the military; and allocation of resources.[300] He concludes, "There is no doubt that democratic consolidation of civil-military relations has not fully occurred in [Guatemala]."[301] Although Stepan's model is helpful and widely used in accessing civil-military relations, the examination of military prerogatives alone does not address all dimensions of these complex relationships. For this reason, Bruneau and Matei developed a framework that analyzes the effectiveness of the security system.

2.   A New Framework of Analysis

In the context of civil-military relations, Bruneau and Matei argue that much emphasis is given to the concept of military control and not enough to its effectiveness. Bruneau assertively proposes, "Civil-military relations should be conceptualized not only in terms of democratic civilian control but also for effectiveness in implementing a spectrum of roles and missions."[302] Bruneau and Matei contend that measuring control alone is not a sufficient condition for solidifying civil-military relations; therefore, they include the evaluation of military effectiveness in their conceptualized model.[303] This new framework is divided into six minimum requirements under the dimensions of democratic control and effectiveness. Table 10 illustrates the proposed requirements.

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[300] Peréz, "The Transformation of Civil-Military Relations," 2013, 105.

[301] Ibid.

[302] Thomas C. Bruneau, "Civilians and the Military in Latin America: The Absence of Incentives," *Latin American Politics and Society* 55, no. 4 (2013): 143, doi:http://dx.doi.org.libproxy nps.edu/10.1111/j.1548-2456.2013.00216.x.

[303] Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil-Military Relations* (New York: Routledge, 2012), 343.

Table 10.   Requirements for Consolidated Civil-Military Relations[304]

First dimension: Democratic control	Second dimension: Effectiveness (goals and missions)
1. **Institutional capacity** for controlling the armed forces	1. A **plan or strategy** that indicates what is intended to be achieved and how to achieve it
2. **Oversight** to see that civilian direction is being followed	2. **Central institutions** to implement the strategy
3. **Professional military education** to modify the culture of an armed force in line with a civilian-led, democratic orientation	3. Sufficient **resources**, both financial and human, to ensure implementation

Bruneau and Matei's framework offers a relevant, contemporary perspective on the status of Guatemala's civil-military relations. Next, this thesis uses this framework to make an assessment of civil-military control in Guatemala.

a.   *Democratic Control of the Armed Forces in Guatemala*

The evaluation of democratic control of the military includes an analysis of institutional capacity, oversight, and professional military education (PME).

(1)   Institutional Capacity

Institutional control mechanisms are necessary to direct and regulate the defense sector according to the democratic principles of civil control of the military.[305] Various elements contribute to the analysis of institutional capacity, including the legal framework, strength of the MOD, and civilian control of intelligence.[306]

A well-established legal basis for civil-military relations is paramount in determining institutional capacity. The Guatemalan constitution legitimizes the power of the president, the congress, and the armed forces. Sections 182, 183, and 246 of the constitution stipulate that the president is the general commander of the army with the power to give orders through the MOD, including the mobilization or demobilization of military personnel.[307] Section 171 gives the congress the power to declare war and sign

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[304] Bruneau, "Civilians and the Military in Latin America," 148.

[305] Bruneau and Matei, *The Routledge Handbook of Civil-Military Relations*, 30.

[306] Ibid.

[307] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 18.

peace treaties.[308] Article 244 categorically defines the military as the protector of internal and external security. It is relevant to note that in 1999, political reforms did not succeed in removing the military's constitutional responsibility for internal security; therefore, the participation of the military in domestic affairs is constitutionally sound.[309] Even though Guatemala has implemented a legal framework for its civil-military relations, the constitutional power of the military, particularly concerning internal affairs, continues to be ill-defined.[310]

Evaluating the strength and legitimacy of the MOD is also crucial because this institution directs the defense structure based on government goals. Since its creation in 1945, the MOD has been restructured to incorporate the departments of strategic analysis and human rights.[311] Current legislation (DL Nº 72-90–1990/12/13, Sec. 15 and 17) stipulates that under the control of an elected civilian president, the MOD is responsible for managing and overseeing the armed forces.[312] Accordingly, it implements policy and coordinates defense matters with other state intuitions.[313] The Guatemalan constitution does not allow civilians to hold the office of minister of defense. It stipulates, "The President of the Republic is the Commander General of the Army and will convey his (or her) orders through the general officer or colonel or its equivalent in the Navy, who holds the position of Minister of National Defense."[314] Therefore, only military officers can be appointed for this position.[315] Since the peace accords, Guatemala has had 15 ministers of defense hold the position for approximately 14 months each.[316]

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[308] Ibid.

[309] J. Mark Ruhl, "The Guatemalan Military since the Peace Accords: The Fate of Reform under Arzu and Portillo," *Latin American Politics and Society* 47, no. 1 (2005): 74.

[310] Peréz, "The Transformation of Civil-Military Relations," 2013, 117.

[311] Barany, *The Soldier and the Changing State*, 171.

[312] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 27.

[313] Peréz, "The Transformation of Civil-Military Relations," 2013, 110.

[314] William S. Hein, trans., "Guatemala's Constitution of 1985 with Amendments through 1993," *Constitute*, 1993, 71, https://www.constituteproject.org/constitution/Guatemala_1993?lang=en.

[315] Peréz, "The Transformation of Civil-Military Relations," 2013, 113.

[316] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 208.

For the most part, the MOD is staffed with military officers. A 2004 analysis of civil-military relations in Guatemala indicated that only one senior civil advisor served under the ministry, and "no professional cadre of career civil servants or civilian political appointees assisted the minister of national defense in designing or implementing defense and national security policy."[317] The predominance of military personnel in Guatemala's MOD is perceived as a blemish in its civil-military relations. Pérez illustrates the concern: "In Western democracies and in Latin American countries with a more advanced civilian control of defense, [the ministries of defense] are under the command of a civilian minister and contain a large number of civilians in key positions for the formulation and implementation of the defense policy."[318] Clearly, Guatemala does not comply with this norm of consolidated democracies; consequently, the armed forces enjoy a great degree of institutional autonomy.[319]

Control of intelligence is also part of institutional capacity. As Matei explains, "Intelligence is part of the civil-military realm."[320] For many countries, intelligence falls under the department of defense and is often the first line of defense during a crisis.[321] In Guatemala, civilian control over intelligence is particularly important because military intelligence units were often involved in human rights violations during the military regime. In terms of organization, The *Secretaria de Inteligencia Estrategica del Estado*, or the National Secretary of Strategic Intelligence, acquires and processes strategic intelligence for the protection of the country and advises the president and the National Security Council on intelligence matters.[322] Its military counterpart falls under the MOD.

In 2008, Guatemala passed a National Security Strategy law that calls for "the creation of a Legislative Commission on Matters of Intelligence and National Security

[317] Ruhl, "The Guatemalan Military since the Peace Accords," 76.

[318] Peréz, "The Transformation of Civil-Military Relations," 2013, 111–12.

[319] Ibid., 119.

[320] Cristiana Matei, "Democracy & Armed Forces: Reform, Roles, Missions, and Civil-Military Relations" (Lecture, Civil Military Relations and Transitions to Democracy Course, Naval Postgraduate School, Monterey, CA, October 15, 2014).

[321] Ibid.

[322] "Misión Y Visión," *Secretaría de Inteligencia Estratégica Del Estado*, accessed December 11, 2014, http://www.sie.gob.gt/portal/index.php/institucional/13-mision-y-vision.

which establishes judicial and citizen control on issues of security and intelligence."[323] As a result, the National Security System was established to address the need for stronger oversight on intelligence and security.[324] Nevertheless, civil control of intelligence matters continues to be deficient while military presence in this field is widespread. In this context, Pérez rates the current role of the military in intelligence matters as high, indicating that the military has a significant level of control over intelligence. He bases this assessment in the fact that institutions such the Secretariat for Strategic Analysis (SAE) and the Security Advisory Council (CAS), which were created to advise the president in intelligence matters, are generally staffed with active duty and retired military officers.[325]

(2)   Oversight

Through the National Defense Committee, the congress has the constitutional power to provide oversight to the defense system.[326] Nevertheless, the legislative power for civilian oversight is limited and compromises the effectiveness of the National Defense Committee.[327] Pérez provides an example: "The power of the military in relation to the congress on defense issues is broad. Under the pretext of maintaining State secrets, congressional oversight of the defense budget is limited and its ability to exercise authority over defense policy is minimal."[328] Article 30 of the Guatemalan constitution guarantees the public distribution of administrative information, but it protects the secrecy of the military and the diplomatic community if the information at hand is considered critical for national security.[329]

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[323] Barany, *The Soldier and the Changing State*, 171.

[324] "Guatemalan National Security System Ratified by Congress," *Interpeace*, March 2008, http://www.usip.org/publications/truth-commission-guatemala.

[325] Orlando Peréz, "The Transformation of Civil-Military Relations," December 9, 2014.

[326] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 206.

[327] Peréz, "The Transformation of Civil-Military Relations," 2013, 109.

[328] Ibid., 119.

[329] Ruhl, "The Guatemalan Military since the Peace Accords," 76; "Constitución Política de la República de Guatemala," November 17, 1993, https://www.oas.org/juridico/MLA/sp/gtm/sp_gtm-int-text-const.pdf.

Oversight of the Guatemalan armed forces has been legitimized, but it is far from perfect. On one hand, the 1996 peace accords suppressed the political influence of the military, an action that contributed to the civil prosecution of military members for human rights violations.[330] On the other hand, the defense structure is not free of corruption, including the use of bribes and extortion among the ranks. Furthermore, former military officers often hold important civilian government positions, facilitating the spread of interest-driven coalitions that undermine the democratic process and challenge civil control over the military.[331]

(3)   Professional Military Education

PME shapes military culture and is, therefore, crucial for democracies transitioning out of military authoritarianism. Bruneau states, "If countries in Latin America want to reform their national defense and security structures . . . they also must reform PME."[332] Section XII of Guatemala's Book of National Defense outlines the education and professionalization of the military.[333] The process of PME has three phases: vocational training, officers' training, and advanced professional education. Vocational training is comparable to a high-school program and is offered at one of seven Adolf V. Hall Institutes. In essence, these centers provide civic-military education and professionalization for teenagers. Upon graduation, these young adults receive the rank of reserve lieutenant and have the opportunity to continue their studies at military academies or civilian universities.[334] As an army institution, the Polytechnic School produces the majority of officers and is responsible for the basic training of all services jointly. Other military schools include the School for Military Aviation (EMA), the Technical School for Military Aviation (ETMA), the Naval School of Guatemala (ENG), the School of

[330] Barany, *The Soldier and the Changing State*, 171, 177.

[331] Ibid., 171; Peréz, "The Transformation of Civil-Military Relations," 2013, 5.

[332] *A Comparative Atlas of Defense in Latin America and Caribbean* (Buenos Aires, Argentina: RESDAL, 2010), 89, http://www resdal.org/atlas/atlas-completo2010-ingles.pdf.

[333] "Libro de la Defensa Nacional de la República de Guatemala," *RESDAL*, 2003, Part 4, http://www.resdal.org/Archivo/guate-libdef03-parte4 html.

[334] "Libro de la Defensa Nacional"; "Educatión Militar," *Ejército de Guatemala*, accessed December 8, 2014, http://mindef.mil.gt/educacion/index.html.

Communications and Computer Science, and the Military School of Music.[335] Even though the academies offer international exchange programs, no Guatemalan officers had the opportunity to study abroad in 2013.[336]

Similar to the U.S. system, professional military training in Guatemala is incremental. For career progression, officers must complete the basic military, advanced weapons, and command and staff courses. Advanced professional education for officers takes place at the Center for Advanced Studies of National Defense complemented with the Naval School and the Military Aviation School for officers of the navy and the air force respectively.[337]

Officers also have the option to earn a master's degree in Resources and Technology Administration. Technical training for enlisted personnel is also progressive, and civilian education is encouraged to complement and advance professionalization.[338] A number of civilian colleges offer courses in defense, such as the Foundation for the Institutional Development of Guatemala (ESTNA).[339] Overall, Guatemala has accomplished significant PME reforms, which include coed education and joint training through military schools and civilian institutions.

b. *Effectiveness in Achieving Goals and Missions*

The evaluation of military effectiveness includes an analysis of strategy, central institutions, and availability and allocation of resources.

(1) Strategy

Two documents institutionalize defense policy in Guatemala: the *Libro de la Defensa Nacional de la República de Guatemala 2003,* which is essentially its White Book*,* and the *Policy for Defensa Nacional 2005*, or the *National Defense Policy 2005*.[340]

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[335] "Educatión Militar."

[336] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 59.

[337] "Libro de la Defensa Nacional."

[338] Ibid.

[339] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 60.

[340] Ibid., 44.

Guatemala's white book is divided in five parts, defining doctrine and the roles and missions of armed forces and the state. It also outlines policy, democratic controls, defense structure, military education and professionalization, as well resource allocation.[341] The National Defense Policy is divided into eight chapters, including strategic interests, the legal framework, and international participation.[342] Although Guatemala's defense strategy has been refined and updated, some guidelines present deficiencies. For instance, the national policy directing democratic controls over the military is superficial and lacks specific measures for tracking strategic goals.[343]

(2)   Institutions: Roles, Missions, and Interoperability

The roles and missions of the Guatemalan armed forces include national defense, disaster relief, protection of natural resources, and internal order.[344] Sections 244 and 249 of the constitution define the general mission of the military as follows:

> The Guatemalan [armed forces] is an institution devoted to maintaining the independence, sovereignty and honor of Guatemala, the integrity of its territory, peace and internal and external security. It is composed of land, air and maritime forces. It has a hierarchical organization and is based on the principles of discipline and obedience. The Army shall cooperate in emergency or public disaster situations.[345]

The constitution also describes the military as "unique and indivisible, essentially professional, apolitical, obedient and non deliberant."[346] Additionally, each service of the armed forces—army, navy, and air force—has a specific mission.[347] During times of peace, the army performs domestic and international activities related to education, readiness, peacekeeping, and humanitarian operations.[348] Because of Guatemala's

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[341] "Libro de la Defensa Nacional."

[342] "República de Guatemala–Politica de Defensa National," *RESDAL*, 2005, http://www.resdal.org/Archivo/guatemala-pol-defensa05.htm.

[343] For reference on Guatemala's Strategic Democratic Controls, see Chapter 5 of "Libro de la Defensa Nacional."

[344] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 41, 83.

[345] *Ibid., 209.*

[346] Ibid., 18.

[347] Ibid., 209.

[348] Ibid.

vulnerability to earthquakes, hurricanes, flooding, and mudslides, the military also plays a key role in disaster relief. Civilian authorities lead emergency aid operations, while the military contributes with trained personnel and equipment.[349] Moreover, Guatemala's defense strategy also includes the protection of natural resources. For this purpose, it has integrated two main programs: The Environmental Protection of the Maya Biosphere in Izabal, and the formation of green battalions for environmental protection in Petén.[350]

Three main factors drive the relationship between the armed forces and the public security sector. First, the constitution allows the military to address internal security challenges. Second, as mentioned earlier, the PNC are a notoriously weak institution and have not been able to contain domestic violence. Third, the proliferation of violent crime, particularly organized crime, has encouraged the use of the military to combat this problem.[351] Therefore, the defense sector is also tasked with participating in "citizen security, prevention and repression activities in border areas, actions against organized crime and drug trafficking, and perimeter control in penitentiary centers."[352] To reinforce the PNC, the military has assigned over 1,500 reservists to three Citizen Security Squadrons in charge of providing security to selected municipalities.[353]

The role of the military in domestic security is controversial and concerning to some human rights groups.[354] Due to the reprehensible violent actions of the military during the civil war, the peace accords emphasized the need to limit military participation in internal issues. Almost two decades later, the government still has not been able to strengthen the police force to effectively combat crime, and thus continues to use the military as a viable alternative to domestic security. In fact, soon after assuming the presidency, President Molina made the following remark, "I want to lay out for the army an important goal of collaborating, coordinating and cooperating with other security

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[349] Ibid., 77.

[350] Ibid., 84.

[351] Peréz, "The Transformation of Civil-Military Relations," 2013, 114.

[352] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 80.

[353] *Public Security INDEX*, 85.

[354] Taft-Morales, *Guatemala*, 1.

institutions, and that is to put an end to the external threats and contribute to neutralizing illegal armed groups by means of military power."[355] Political observers have criticized President Molina's emphasis in using military operations to address internal issues, particularly because he is a retired military officer who served during the civil war.[356]

The militarization of public security undermines democratic principles, particularly in a nation with a history of military authoritarianism. Pérez explains, "[In] aiding the police, the missions are ill-defined, short-term, and are constructed in the absence of effective crime prevention policies. Thus they expose the armed forces to ad hoc activities that may affect their operational capabilities and undermine the objective of military control."[357] Despite receiving political support, military intervention has earned a less-than-desirable record in the past few years. For instance, during an indigenous rights protest in 2012, soldiers fired toward a crowd of activists, resulting in six deaths and numerous injuries. After much internal debate and denial of responsibility, a number of soldiers were tried for this incident.[358] Internal security is an acute problem in Guatemala, and the country's leadership has failed to clearly define the extent of military intervention permissible in domestic affairs.[359]

(3)   Resources

At the end of the civil war, Guatemala's defense budget was approximately $234 million, and its force was composed of over 45,000 members.[360] After the peace accords, the size and budget of the military decreased substantially. By 2010, the defense budget was $159 million and the force strength was a little under 15,000 members.[361] Today, the military has regained some of its strength; the 2014 defense budget was

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[355] Ibid., 10.

[356] Ibid.

[357] Peréz, "The Transformation of Civil-Military Relations," 2013, 117.

[358] Taft-Morales, *Guatemala*, 11.

[359] Peréz, "The Transformation of Civil-Military Relations," 2013, 117.

[360] Ibid., 117–18.

[361] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 208; Barany, *The Soldier and the Changing State*, 171.

approximately $258 million, and the current force has over 22,000 members.[362] Figure 9 illustrates the evolution of the defense budget from 2006 to 2014.
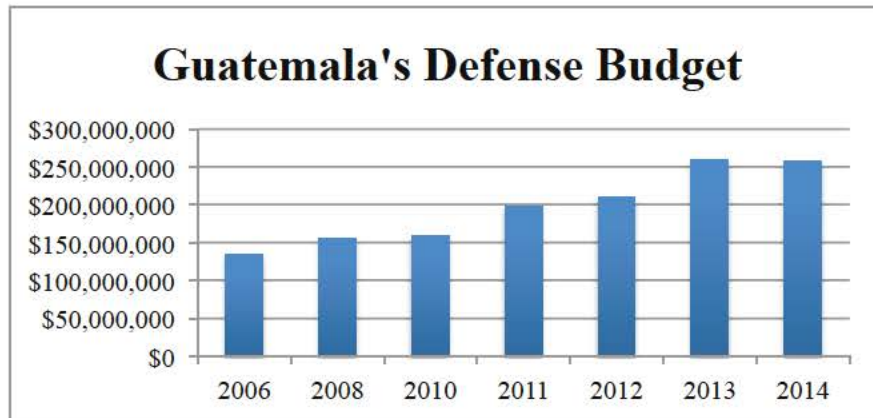
Guatemala's Defense Budget

Figure 9.   Guatemala's Defense Budget Progression[363]

The 2014 defense budget accounts for 0.44 percent of the GDP.[364] For this same year, approximately 56 percent of the budget was allocated to personnel, 13.2 percent toward investments including property and equipment, and the rest was distributed among other non-categorical expenses.[365] The small percentage of GDP dedicated to defense, considering that more than half of this sum goes to personnel, indicates Guatemala does not allocate enough resources to implement an effective strategy that includes both internal and external defense roles.

3.   Assessment and Summary of Findings

Building on Stepan's military prerogatives to analyze Guatemala civil-military relations, Pérez concludes that civil control over the military has improved, but "compared to the ideal of democratic civilian-military relations much remains to be done."[366] Similarly, based on Bruneau and Matei's conceptualized framework of civil-

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[362] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 34, 206.

[363] After *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 34.

[364] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 207.

[365] Ibid., 36, 206.

[366] Peréz, "The Transformation of Civil-Military Relations," 2013, 198.

military relations, this thesis also concludes that Guatemala has deficient civilian control of the military as well as a moderately inefficient defense system. Table 11 offers a summary of findings.

Table 11.   Summary of Findings Based on Bruneau and Matei's Conceptualized Framework[367]

Requirements for achieving democratic civilian control and effectiveness: Guatemala					
Requirements for civilian control			Requirements for effectiveness		
Institutional Capacity	Oversight	Professional Military Education	Strategy	Institutions/Instruments	Resources
Low-Medium	Low	Medium-High	Low-Medium	Low-Medium	Low-Medium

Regarding democratic requirements for civilian control, Guatemala receives a mixed evaluation. On one hand, the constitution provides the legal basis for control and institutional capacity, but its nuances facilitate a high degree of military autonomy and curb the ability of civilian oversight. For instance, the current legislation only allows for a member of the military to assume the position of minister of defense.[368] Furthermore, under the pretext of national security, the military has the legal right to withhold information from civilian authorities. Therefore, institutional capacity and oversight receive lower ratings. On the other hand, PME rated higher as it has been positively reformed and includes coed and joint education from basic training to advanced instruction.

In terms of effectiveness, civil-military control in Guatemala has made low to moderate progress. The country has a white book for strategy, but it lacks depth and guidance on specific measures to track goals. The roles and missions of the defense system as a whole and as individual services are well defined and call for an "apolitical, obedient, and non-deliberative" force.[369] Yet, the multipurpose role of the military,

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[367] After Bruneau and Matei, *The Routledge Handbook of Civil-Military Relations*, 245.

[368] Peréz, "The Transformation of Civil-Military Relations," 2013, 113.

[369] *A Comparative Atlas of Defense in Latin America and Caribbean*, 2014, 41, 83.

particularly at the domestic level, continues to be controversial and ill-defined. Finally, despite an increased defense budget in the past few years, Guatemala does not allocate enough resources to effectively maintain its defense strategy.

Since the end of the civil war in Guatemala, military reform has significantly improved civil-military relations. Nevertheless, the defense system remains powerful and unchecked. The government's over-reliance on the armed forces in dealing with internal security threats compromises democratic consolidation and undermines citizen security.

D.   SOCIAL FACTORS

Thus far, Chapter IV has focused on institutional weakness as the cause of violent crime in Guatemala. Nevertheless, social factors—such as compromised family structures, citizen support of violence, and lack of social capital—also influence chronic violence. This argument benchmarks the works of Tani Marilena Adams as well as Caroline O. N. Moser and Cathy McIlwaine. These scholars examine the complex social forces that encourage violence: Adams defines the concept of chronic violence while Moser and McIlwaine categorize violence as political, economic, and social.[370] As such, this thesis argues that while institutional weakness contributes to the rise of economic violence, interpersonal factors enable social violence. This section offers a description of the problems that Adams, Moser and McIlwaine put forward. It also discusses pertinent theoretical frameworks and assesses the social factors associated with Guatemala's violent crime. The section ends with an alternative argument for the violent crime problem.

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[370] Tani Marilena Adams, *How Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship? A Framework for Public Policy, Research and Social Action* (Arlington, VA: International Working Group for Chronic Violence and Human Development, December 19, 2013), http://chronicviolence.com/images/How_Does_Chronic_Violence_Affect_Human_Development_Dec_19, _2013.pdf; McIlwaine and Moser, *Encounters with Violence in Latin America.*

### 1.	Theoretical Overview

Adams argues that cycles of chronic violence are the result of complex structural elements, negative behaviors, cultures, and actions that obstruct human development.[371] She explains, "When we live in 'chronic violence,' parents are unable to nurture their children adequately; social relations become more restricted, polarized and conflictive; and our role as citizens or participants in the larger community suffers—as do the social support and the prospects for democratic governance."[372] Adams defines chronic violence as a high level of violent occurrences sustained for at least five years, affecting more than one social sphere—ranging from the nuclear family to larger groups such as schools and neighborhoods.[373] Chronic violence, therefore, results from the relationship between deficient institutional and social processes and individuals.[374] It hinders the development of individuals at the physical, mental, and social levels as well as their ability to socialize and positively participate in the civic domain.[375] In this context, individuals become willing participants in the self-perpetuating process of chronic violence.

To frame violence and social contexts, Adams offers the following research questions: "What happens to human beings when [violence] becomes our 'normal' everyday life to live with high levels of violence? How does it affect our development as individuals, how we raise our children and relate to others in society, our attitudes and actions as citizens, and the ways we are governed?"[376] Adams conceptualizes chronic

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[371] Tani Marilena Adams, *Chronic Violence and Non-Conventional Armed Actors: A Systemic Approach* (Norwegian Peacebuilding Resource Centre - NOREF, September 2014), 1, http://www.clingendael.nl/sites/default/files/Adams_NOREF_Chronic%20Violence_SEPT_NY%20FINAL.pdf.

[372] Tani Marilena Adams, *Executive Summary: Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship? A Framework for Public Policy, Research and Social Action* (Arlington, VA, December 19, 2013), 2, http://www.chronicviolence.com/images/How_Does_Chronic_Violence_Affect_Human_Development_Dec_19,_2013_Executive_Summary.pdf.

[373] Ibid., 4.

[374] Ibid., 3.

[375] Ibid., 4.

[376] Ibid., 2.

violence as the byproduct of deficient macro-level structures and weakened social factors.[377] Essentially, Adams identifies the organic association between citizens and their micro and macro environments and how these relationships prevent or foster violence. Thus, she proposes the development of a social system that enables individuals to thrive within their communities, naturally eliminating the need for them to resort to violence.[378] Matthew C. Ingram and Karise M. Kurtis agree with Adam's framework and suggest that understanding such social interactions can assist policymakers in devising appropriate responses to contain and decrease violent crime.[379]

Moser and McIlwaine categorize critical violence into three spheres and posit that violence is motivated by political, social, and economic gain (see Table 12).

Table 12.   General Categories of Violence[380]

Categories of Violence		
Category	Definition	Manifestation
Political	The commission of violent acts motivated by desire, conscious or unconscious, to obtain or maintain political power.	Guerrilla conflict; paramilitary conflict between political assassinations; armed conflict between political parties; rape and sexual abuse as a political act.
Economic	The commission of violent acts motivated by desire, conscious or unconscious, for the economic gain or to obtain or maintain economic power.	Street crime; carjacking; kidnapping; assaults including killing and rape made during economic crimes.
Social	The commission of violent acts motivated by a desire, conscious or unconscious, for social gain or to obtain or maintain power.	Interpersonal violence such as spouse and child abuse; sexual assault of women and children; arguments that get out of control.

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[377] Adams, *How Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship?*, 6; Adams, *Chronic Violence and Non-Conventional Armed Actors*, 5.

[378] Adams, *How Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship?*, 6.

[379] Cristina Eguizábal et al., *Crime and Violence in Central America's Northern Triangle: How U.S. Policy Responses Are Helping, Hurting, and Can Be Improved* (Washington, DC: Wilson Center, n.d.), 260, http://www.wilsoncenter.org/publication/Crime-and-Violence-in-Central-Americas-Northern-Triangle_CARSI_Dec-2014.

[380] From McIlwaine and Moser, *Encounters with Violence in Latin America*, 60.

Moser and McIlwaine contend that in Guatemala, economic and social violence is more prevalent than political violence.[381] Arguably, political stakeholders are the main perpetrators of political violence, but as established in Chapter I, they are no longer the primary cause of violence.[382] Therefore, like Moser and McIlwaine, this thesis maintains that social factors have a role in economic and social violence and that political violence is not as common.

Moser and McIlwaine explore the concept of social capital as a key social factor. They define social capital as the "rules, norms, obligations, reciprocity, and trust embedded in social relations, social structures, and societies' institutional arrangements, that enable its members to achieve their individual and community objectives."[383] Respectively, Cecilie Dinesen et al. further define social capital into structural and cognitive: structural social capital depends on community-based connections and social participation while cognitive social capital embodies standards of behavior and values among individuals.[384] These concepts are useful for understanding the relationship between societal factors and violence.

A number of scholars associate high levels of violent crime with social disorganization. Robert Bursik and Harold G. Grasmick hypothesize a directly proportional relationship between unorganized communities and violent crime. Building on this theory, Bursik and Grasmick suggest that social factors, such as population density and broken family structures, influence this relationship.[385] Similarly, Kenneth C. Land, Patricia L. McCall, and Lawrence E. Cohen recognize population pressures and family disruption in their conceptualized framework. As such, they measure population pressures in terms of concentration and demographics and family disruption in terms of divorce rates and single-parent households.[386] Arguably, broken family structures

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[381] Ibid., 62.

[382] For clarification, see Chapter I, Selection of Arguments.

[383] McIlwaine and Moser, *Encounters with Violence in Latin America*, 18.

[384] Cecilie Dinesen et al., "Violence and Social Capital in Post-Conflict Guatemala," *Revista Panamericana de Salud Pública* 34, no. 3 (September 2013): 163.

[385] Eguizábal et al., *Crime and Violence in Central America's Northern Triangle*, 262.

[386] Ibid., 262–63.

compromise "informal social controls" within communities while high population density areas hinder the development of social bonds and social participation.[387]

This social context has been empirically linked to violence. A report from the Wilson Center highlights that a number of studies associate domestic violence with "broader societal violence."[388] For example, Joy D. Osofsky explains that it is not uncommon for children who experience domestic violence to perceive violence as an acceptable way to resolve conflict or to control others.[389] Consequently, violence becomes a part of life for individuals, groups, and entire communities. The impact of normalized violence is clear in the elevated levels of domestic violence, gang membership, social cleansing, and femicide in Guatemala. To this extent, Eguizábal et al. report, "Elevated rates of domestic abuse, sexual violence, and weak family and household structures also contribute as children are forced to fend for themselves and often chose (or are coerced into) the relative 'safety' of the gang or criminal group."[390] Similarly, in *Murder and Violence in Modern Latin America*, Eric A. Johnson et al. conclude that marginalized families who struggle to provide the most essential needs, such as shelter and food, often neglect crucial family values and bonds.[391] The result of such inadequacies is often reflected in violence at the individual and group levels.

2. Assessment

Three fundamental social factors influence violent crime in Guatemala: compromised family structures, citizen support of violence, and lack of social capital. First, intra-family violence is pervasive in Guatemala, a significant factor for the perpetuation of social violence.[392] Between 1999 and 2000, Moser and McIlwaine conducted fieldwork research in Guatemala using a participatory appraisal method. They

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[387] Ibid., 261–62.

[388] Ibid., 35–36.

[389] Ibid.

[390] Ibid., 2.

[391] Eric A. Johnson et al., eds., "Gang Violence and Insecurity in Contemporary Central America," in *Murder and Violence in Modern Latin America*, 1 ed (Chichester, West Sussex, UK: Wiley-Blackwell, 2013), 231.

[392] McIlwaine and Moser, *Encounters with Violence in Latin America*, 99.

concluded that domestic violence is "routinized" across Guatemala's society to a degree in which individuals accept it as a way of life.[393] Domestic violence appears normalized in the family nucleus as well as in the society at large. Consequently, intra-family violence and femicide are "inextricably linked in Guatemala."[394] In 2014, Guatemala's Institute for National Statistics published a detailed report on intra-family violence, which clearly indicates that women are the main victims of domestic violence, although men can be victims too (see Tables 13 and 14).

Table 13.   Occurrences of Intra-Family Violence—Female[395]

Female Victims of Intra-Family Violence in Guatemala			
2010	2011	2012	2013
29,158	30,578	33,140	32,918

Table 14.   Occurrences of Intra-Family Violence—Male [396]

Male Victims of Intra-Family Violence in Guatemala			
2010	2011	2012	2013
2,858	2,906	2,967	3,252

Based on these figures, women are 10 times more likely to suffer a domestic attack than men. According to a report by the Immigration and Refugee Board of Canada, approximately 24 percent of all femicides in Guatemala were the result of intra-family

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[393] Ibid.

[394] Karen Musalo and Blaine Bookey, "Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala," *Hastings Race and Poverty Law Journal* 10, no. Summer 2013 (2013): 273.

[395] *República de Guatemala: Estadísticas de Violencia Intrafamiliar Primer Trimestre 2014* (Guatemala: Instituto Nacional de Estadística, December 2014), 35, http://www.ine.gob.gt/sistema/uploads/2014/12/31/cpPnJYPcc5MDuplHR9pBkoLD03jWmcNF.pdf.

[396] Ibid., 36.

violence in 2011.[397] Conclusively, social norms related to gender contribute to domestic violence and perpetuate violent crime inside and outside households. Furthermore, members of dysfunctional or broken families are more likely to commit violent crimes than their counterparts from more stable families. For instance, a 2006 survey identified family-related issues as the number one factor influencing gang affiliation in Guatemala.[398] Finally, as previously mentioned, domestic violence has become normalized in segments of Guatemalan society. For example, most police officers view domestic violence as a "private matter" rather than a serious problem.[399] Furthermore, Guatemalans find it difficult to acknowledge domestic violence, as they consider it a taboo subject.[400]

Second, social support for violence increases when citizen security is weak. In Guatemalan communities where insecurity is pervasive, individuals tend to create informal safety and justice mechanisms—which may include social cleansing and lynch law.[401] Adams explains, "When vulnerable citizens cannot count on the state to provide them with basic security and legal protection, they respond by taking matters into their own hands."[402] In 2008, for instance, a rural community in Guatemala reported that one out of every 100 homicides was the result of reprisal.[403] These statistics illustrate the cyclical nature of the problem. Public opinion pools indicate that almost half of the Guatemalan population supports violent acts committed by regular citizens in the name of justice.[404] Therefore, violence has gained social legitimacy in some Guatemalan communities because institutional security is weak.

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[397] *Guatemala: Domestic Violence, Including Legislation, State Protection, and Services Available to Victims* (Ottawa, Canada: Immigration and Refugee Board of Canada, September 19, 2013), 1, http://www.justice.gov/eoir/vll/country/canada_coi/guatemala/GTM104067.E.pdf.

[398] Ranum, "Street Gangs of Guatemala," 78.

[399] *Guatemala: Domestic Violence*, 3.

[400] McIlwaine and Moser, *Encounters with Violence in Latin America*, 100.

[401] Ibid., 94–95.

[402] Adams, *Chronic Violence and Non-Conventional Armed Actors*, 6.

[403] Adams, *How Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship?*, 40.

[404] Ibid., 95.

Third, the lack of social capital in Guatemala underlies chronic violence.[405] One could argue that there is an intrinsic and mutually reinforcing relationship between low social capital and violent crime. Communities with strong social capital can positively influence citizen actions through a cognitive system of trust, positive values, and expected behaviors. Nevertheless, when social capital is low or absent, fear and distrust prevail, cultivating violent responses among citizens.[406] Based on their survey, Moser and McIlwaine conclude, "Not surprisingly, [the] widespread climate of fear generated other conflicts within communities, some of which were violent in nature."[407] Low social capital is a common theme in Guatemalan communities, recapitulating the vicious cycle of crime and violence.[408]

Social capital is intrinsically related to social organization: low levels of social organization fragment and isolate citizens.[409] This results in social apathy and lack of participation in constructive community networks. As one Guatemalan woman explains, "No-one gets involved in the lives of others."[410] When crime is high, isolationism manifests itself in silent complicity.[411] Under these conditions, the social pendulum might swing in the opposite direction, motivating individuals to actively join pervasive organizations such as gangs and drug cartels. These individuals may side with criminals in exchange for a sense of belonging, protection, financial gain, or power.[412]

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[405] Tani Marilena Adams, *Chronic Violence and Its Reproduction: Perverse, Trends in Social Relations, Citizenship, and Democracy in Latin America* (Washington, DC: Wilson Center, March 2012), 17, http://www.wilsoncenter.org/sites/default/files/Chronic%20Violence%20and%20its%20Reproduction_1.pdf.

[406] Ibid., 9; 17.

[407] McIlwaine and Moser, *Encounters with Violence in Latin America*, 162.

[408] Ibid., 159.

[409] Adams, *How Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship?*, 36.

[410] McIlwaine and Moser, *Encounters with Violence in Latin America*, 159.

[411] Adams, *How Does Chronic Violence Affect Human Development, Social Relations, and the Practice of Citizenship?*, 36.

[412] Ibid., 40; 101.

Conceivably, high social capital—and efficient social structures—prevents violent crime.[413]

Alternatively, some scholars maintain that social capital might exacerbate the incidence of violent crime. For instance, a recent study entitled "Violence and Social Capital in Post-Conflict Guatemala" concludes that structural social capital is a potential catalyst for violence, as individuals participating in civic activities become more exposed and vulnerable to crime.[414] To reach this conclusion, the authors differentiate between structural social capital and cognitive social capital.[415] Consequently, the study reveals that while structural social capital may promote violence, cognitive social capital may prevent it.[416] In terms of structural social capital findings, the study admits a degree of bias based on its sample pool and other unknowns, such as the willingness of participants to disclose victimization of violent crime.[417] Yet these conclusions illustrate the complexities underlying social factors and violence and bring to light the subjective nature of social capital—and its possible variations from one community to another.

Evidence suggests that social factors influence the occurrence of violent crime in Guatemala. Nevertheless, this thesis does not find a direct causal relationship between violence and societal elements. On the contrary, it has found that weak institutions are chief factors in the incidence of violent crime in Guatemala. This is not to say that individuals, families, and communities do not have a role in motivating violence; rather than a direct effect, social factors have an indirect influence, either positive or negative.

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[413] Ralph Espach et al., *Criminal Organizations and Illicit Trafficking in Guatemala's Border Communities* (Arlington, VA: CNA Analysis & Solutions, December 2011), 6, file:///Users/duiliamora/Downloads/ADA553572.pdf.

[414] Dinesen et al., "Violence and Social Capital," 166.

[415] Ibid., 163.

[416] Ibid., 162.

[417] Ibid., 167.

V.   CONCLUSION

Critical levels of violent crime in Guatemala have international implications. Guatemala is approximately 1,300 miles from the United States. To put this distance in perspective, it only takes one day to travel by car from Guatemala City to Rio Grande City in Texas. Due to this geographic proximity, both nations share economic, political, social, and security interests. U.S. policymakers are particularly concerned with transnational crime and security threats, including transnational gangs, drug trafficking, and human rights violations.[418] More recently, the influx at the U.S. border of unaccompanied children from Guatemala has gained national attention, illustrating the complexity of transnational security problems. Furthermore, some of Guatemala's policies for combating crime are incongruent with democratic principles, such as the use of military force in domestic issues.[419] Regional stability is part of the U.S. political agenda, which can only be accomplished with a significant amount of coordination and funding. In this context, this concluding chapter discusses policy implications, describes current initiatives, and offers recommendations for leaders in the United States and Guatemala. Finally, it provides a summary of this thesis' findings.

A.   POLICY IMPLICATIONS

Support for effective solutions against crime in Guatemala derives from both U.S. concerns and regional pressures, resulting in four major implications for policymakers. First, Guatemalans have a strong presence in the United States. The Guatemalan diaspora ranks among the sixth largest in the United States with approximately 900,000 immigrants.[420] Additionally, the Department of Homeland Security (DHS) estimates that more than half of the Guatemalan population in the United States is comprised of illegal

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[418] Taft-Morales, *Guatemala*, 1, 10; Peter J. Meyer and Clare Ribando Seelke, *Central America Regional Security Initiative: Background and Policy Issues for Congress* (Washington, DC: Congressional Research Service, May 6, 2014), 12, 20, http://fas.org/sgp/crs/row/R42580.pdf.

[419] Taft-Morales, *Guatemala*, 35.

[420] Peter J. Meyer et al., *Unaccompanied Children from Central America: Foreign Policy Considerations* (Washington, DC: Congressional Research Service, February 10, 2015), 7, https://www.fas.org/sgp/crs/homesec/R43702.pdf.

immigrants.[421] Arguably, cultural and social ties maintained between Guatemalans living in the United States and their families in Central America create immigration networks, which potentially enable the legal or illegal movement of Guatemalans to the United States. Second, some analysts argue that violence and instability will continue in the region unless the United States addresses the problem of drug consumption within its own borders. According to the *CIA's Fact Book*, the United States is the largest consumer of Latin American cocaine, heroin, and marijuana.[422] Consequently, Central American leaders attribute some of the responsibility to the United States' inability to curb consumption.[423] Third, in terms of policy design, some observers contend that while the United States supports and funds initiatives in Central America, progress will not occur if leaders in the region do not address internal problems such as corruption, injustice, and human rights violations.[424] As discussed in Chapters III and IV, Guatemala's institutional capacity to address security issues is inadequate; hence, international support is necessary. It is in the United States best interest to provide assistance to Guatemala.[425]

Finally, the effort to alleviate regional security problems does not come cheap for the United States. In fiscal year 2015, Guatemala is expected to receive over $77 million in aid from the U.S. government, an increase of over 20 percent compared to the previous year.[426] In relation to its neighboring countries, Guatemala receives the largest allocation of assistance funds from the United States (see Table 15).

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[421] Ibid., 8.

[422] "The World Fact Book–2015," *CIA Filed Listing: Illicit Drugs*, n.d., https://www.cia.gov/library/publications/the-world-factbook/fields/2086 html.

[423] Meyer et al., *Unaccompanied Children*, 23.

[424] Meyer and Seelke, *Central America Regional Security Initiative*, 31.

[425] Ibid., 20.

[426] Meyer et al., *Unaccompanied Children*, 6.

Table 15.   Assistance to Guatemala and Neighboring Countries[427]

U.S. Assistance to Guatemala and Neighboring Countries (in millions of dollars)			
Year	FY13	FY14	FY 15
Guatemala	80.8	63.2	77.1
Honduras	52	41.8	48.2
El Salvador	27.6	21.6	27.6
Other Central American Countries	14.7	14.4	14.8

U.S. funding supports various initiatives in Guatemala to include institutional building and reduction of extreme violence.[428] Guatemala collects additional funding from the Central America Regional Initiative (CARSI)—a U.S. sponsored regional security cooperation program.[429] Between 2008 and 2012, Guatemala received approximately 22 percent of CARSI's total funds.[430] Furthermore, the current U.S. administration has requested additional funding for assistance programs in Guatemala, which would increase the budget of $65 million in fiscal year 2014 to $221 million in fiscal year 2016.[431] On January 29, 2015, President Barack Obama requested "an historic $1 billion as part of his fiscal year 2016 Budget" to support Central American progress, of which $300 million would be allocated to enhance security and $250 million to improve governance.[432] Because U.S. funding provides a significant amount of financial support to Guatemala, it is imperative that these resources are employed effectively.

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[427] From Meyer et al., *Unaccompanied Children*, 6.

[428] Meyer et al., *Unaccompanied Children*, 6.

[429] Ibid., 22.

[430] Meyer and Seelke, *Central America Regional Security Initiative*, 22.

[431] Meyer et al., *Unaccompanied Children*, 12.

[432] "FACT SHEET: Promoting Prosperity, Security and Good Governance in Central America," *The White House*, January 29, 2015, http://www.whitehouse.gov/the-press-office/2015/01/29/fact-sheet-promoting-prosperity-security-and-good-governance-central-ame.

B.   CURRENT POLICIES AND INITIATIVES

Numerous initiatives to promote security in Guatemala have been developed at the international, regional, and domestic levels. At the international level, as mentioned in Chapter IV, the UN's CICIG has been supporting improvements to the Guatemalan judicial system and security apparatus since 2007. Nevertheless, the commission has lost support from the current Guatemalan administration, and President Molina has stated that he will not renew CICIG's mandate, which expires in September 2015.[433] Some international observers argue that with the departure of CICIG, Guatemala is likely to reverse its progress in the area of justice and security.[434] Regarding U.S. strategy in Central America, the White House announced its plan to assist the region by promoting "prosperity, security and good governance."[435] Under this policy, funding and interagency programs are intended to help Guatemala achieve shared objectives such as improving democratic institutional capacity, stability, and citizen security.[436]

At the regional level, the United States has created initiatives such as CARSI and defense cooperation programs. CARSI was created in 2008 under the Mérida Initiative and became its own organization in 2010.[437] This platform offers multi-spectrum assistance for Central American nations ranging from security training and equipping to social programs and institutional strengthening.[438] The U.S. Department of Defense (DOD) also supports a variety of security programs in Guatemala. The majority of these programs assist counter-drug efforts. For example, U.S. forces provide training for Guatemala's Interagency Task Force (IATF) Tecún Umán in the areas of security, command and control, and interagency coordination.[439]

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[433] Taft-Morales, *Guatemala*, 2, 18.

[434] Ibid., 12.

[435] "FACT SHEET: Promoting Prosperity, Security and Good Governance in Central America."

[436] Meyer et al., *Unaccompanied Children*, 5.

[437] Meyer and Seelke, *Central America Regional Security Initiative*, summary, 2.

[438] Ibid., summary.

[439] "U.S. Army Supports New Guatemalan Inter-Agency Task Force," *U.S. Army STAND-TO!*, July 5, 2013, http://www.army.mil/standto/archive_2013-07-05/?s_cid=standto.

Central American countries have organized themselves and created development initiatives such as the Central American Integration System (SICA), and Plan Prosperity. SICA is an organization focused on regional integration with the general purpose of fostering "peace, freedom, democracy, and development."[440] Guatemala is one of seven members, along with Costa Rica, El Salvador, Honduras, Nicaragua, Panama, and Belize.[441] In terms of security, SICA attempts to strengthen democracy and institutional capacity as well as to develop a security model for the entire region.[442] The United States is one of several regional observers and donors supporting SICA. Nevertheless, according to a Congressional Research Service report, "Many [analysts] have questioned whether SICA has the institutional capacity to manage projects across the Central American region."[443] As a result, questions remain about SICA's effectiveness.

In 2014, Guatemala, El Salvador, and Honduras created the Plan of the Alliance for Prosperity in the Northern Triangle, or Plan Prosperity.[444] This alliance was created in response to the increase of unaccompanied children from the Northern Triangle of Central America illegally crossing into the United States.[445] The plan outlines strategic actions that include enhancing security, justice, institutional capacity, and citizen trust in the government.[446] In March 2015, Vice President Joe Biden met with the presidents of Guatemala, Honduras and El Salvador in Guatemala City to discuss country-specific commitments to the plan. The Northern Triangle nations agreed to implement joint actions to foster the region and President Molina agreed to introduce legislation for judicial system reforms and to develop stronger anti-corruption mechanisms. The Vice President indicated that—in addition to the proposed $1 billion in assistance to Central

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[440] "SICA in Brief," *SICA–Central American Integration System*, accessed March 3, 2015, http://www.sica.int/sica/sica_breve_en.aspx.

[441] Ibid.

[442] Ibid.

[443] Meyer and Seelke, *Central America Regional Security Initiative*, 18.

[444] Meyer et al., *Unaccompanied Children*, 11.

[445] *Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map–Regional Plan Prepared by El Salvador, Guatemala and Honduras*, September 2014, Executive Summary, http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39224238.

[446] Ibid.

America in fiscal year 2016—the current administration would try to increase financial support to the region the fiscal year 2015.[447]

At the domestic level, Guatemala created the National Pact for Security, Justice and Peace in 2012 with the purpose of addressing security and justice problems. This initiative attempts to coordinate interagency efforts dealing with citizen security.[448] The program also launched the Vice Ministry of Prevention (VMP) with a focus on deterring social factors that enable violence, such as intra-family violence and youth neglect.[449] Furthermore, the pact aims to introduce a state presence in areas where the structure of the government is lacking.[450]

C.   RECOMMENDATIONS

The United States and Guatemala have the opportunity to work together and devise policies that effectively contain and decrease violent crime. Even though insecurity is a troubling theme between the nations, the United States continues to have a good bilateral relationship with Guatemala. As such, addressing transnational crime and violence is at the center of U.S. foreign policy. Consequently, this thesis indicates that the causes of violence in Guatemala are predominantly linked to institutional capacity and, to an extent, social factors. Based on these findings, the following sections offer recommendations for U.S. and Guatemalan policymakers.

1.   Institution-Centric Recommendations

In the security context, increasing democratic institutional capacity is paramount. First, the Guatemalan government must empower its judicial system, create legislation to improve the rule of law, and fully reject impunity. Furthermore, the judiciary should

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[447] "FACT SHEET: Support for the Alliance for Prosperity in the Northern Triangle," *The White House*, accessed March 9, 2015, http://www.whitehouse.gov/node/324776.

[448] *GT Urban Infrastructure–Latin America and Caribbean* (World Bank, May 21, 2014), http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/LCR/2014/05/21/090224b08248bf6e/1_0/Rendered/INDEX/Project0Inform0astructure000P143495.txt.

[449] Ibid.

[450] *Guatemala Country Profile*.

focus on developing accountability mechanisms to combat corruption and clientelism. Second, police reform must continue with emphasis on incentives for performance and transparency at the individual and institutional levels. The national police should also implement clearer standards and procedures that foster accountability and eliminate the use of *mano dura* tactics. Moreover, the number of properly trained police officers should be increased to satisfy the UN's recommendation of 222 officers per 100,000 citizens. Finally, Guatemala must improve civilian control over the military. The militarization of domestic security forces should be reconsidered and the mission of the armed forces realigned with national defense, boarder security, peacekeeping, and disaster relief.

2. Strategic Recommendations

In addition to democratic institutional reform and strengthening in Guatemala, stakeholders have the opportunity to organically work together on comprehensive and integrated approaches to the security problem. The following recommendations address strategic solutions.

a. CARSI: Embrace Accountability

Strengthen CARSI through clear and measurable goal-setting and accountability for distributed funds. As previously mentioned, CARSI focuses on the development of institutional capacity and security mechanisms. The initiative's main goals include fostering safer communities, disrupting crime networks, improving governance, developing state presence, and facilitating cooperation among partners.[451] To meet these objectives, CARSI has received over $800 million from the U.S. government since fiscal year 2008.[452] Nevertheless, a Congressional Research Report indicates that CARSI has not reported tangible results: "It is unclear what has been accomplished with the funding appropriated thus far since U.S. agencies have not released the metrics they are using to assess the initiative's performance."[453] The available literature indicates that while CARSI has potential to foster security in the region, it has yet to deliver tangible results

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[451] Meyer and Seelke, *Central America Regional Security Initiative*, 21–22.

[452] Ibid., 36.

[453] Ibid.

on many of its pilot programs.[454] Therefore, policymakers and other leaders involved in this initiative should ensure CARSI meets short-term goals and proactively demonstrates progress toward long-term goals. Furthermore, full cooperation and political will from Central American leaders is fundamental for CARSI's effectiveness, and funding should only take place under such conditions.[455] Finally, policymakers should enable CARSI to play a pivotal role in judiciary reform and fill the vacuum left behind by CICIG's scheduled departure.

b.   *Fusion Centers: Coordination and Information Exchange*

Create intelligence fusion centers and a regional fusion center network. Some analysts suggest that funding and security programs from various domestic and international agencies in Guatemala have conflicting objectives, poor coordination, and duplication of effort.[456] In agreement with Bruneau, who proposes the creation of fusion centers to combat gang activity in the Northern Triangle, this thesis suggests that fusion centers could systematically combat violent crime in Guatemala and the region.[457] A fusion centers is defined as "a collaborative effort of two or more agencies that provide resources, expertise and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity."[458] These centers are nodes of interagency communication in which critical operational capabilities include receiving, analyzing, disseminating, and gathering security information.[459] In the United States, for instance, fusion centers facilitate communication between state and federal agencies. As a result, the National Network of Fusion Centers plays a key role in the Information Sharing Environment (ISE), which focuses on the

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[454] Eguizábal et al., *Crime and Violence in Central America's Northern Triangle*, 102.

[455] Meyer and Seelke, *Central America Regional Security Initiative*, 31.

[456] Ibid., 33.

[457] Bruneau, "Street Gangs in Central America."

[458] "National Network of Fusion Centers Fact Sheet," *U.S. Department of Homeland Security*, 6 August 14, http://www.dhs.gov/national-network-fusion-centers-fact-sheet.

[459] Ibid.

protection of national security.[460] The United States, Guatemala, and other donor countries should work in partnership to develop similar fusion centers in Guatemala. These centers could mitigate coordination problems, streamline efforts, improve the exchange of information, and foster effectiveness.[461] Furthermore, the development of regional centers in the Northern Triangle could assist in the coordination of transnational security efforts and prevent the displacement of crime from one region to another, also known as the "balloon effect."[462]

c.   *Social Development: Security by Design*

Create an environment that fosters social development and security. This thesis has concluded that social factors have a secondary, nevertheless noticeable, effect on the incidence of violent crime. Therefore, Guatemala's government should address societal problems and invest in community-level infrastructure as a way for social empowerment. The city of Medellin in Colombia exemplifies what strong leadership and community investment can do for the security sphere. In 2004, mathematician Sergio Fajardo became the mayor of Medellin and immediately started investing in infrastructure, focusing on education and social participation.[463] According to Carolina Rivera et al., the mayor wanted "to transform the community's behaviors by improving [citizens'] physical, cultural and educational environments."[464] His efforts led to the creation of 20 new schools and five library parks, including the internationally acclaimed Library España in an underserved neighborhood. The results of Fajardo's vision are encouraging: homicide

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460 Ibid.; "Information Sharing Environment," *Office of the Director of National Intelligent*, accessed March 5, 2015, http://www.dni.gov/index.php/about/organization/information-sharing-environment-what-we-do.

461 Bruneau, "Street Gangs in Central America."

462 COHA, "The Balloon Effect, In Effect: Humala, Peru, and the Drug Dilemma (Part 2 of 2)," Council on Hemispheric Affaris, (October 11, 2013), http://www.coha.org/the-balloon-effect-and-displacement-part-2-of-2/.

463 Carolina Rivera et al., "Transforming Medellin, Colombia From a City of Fear to a City of Hope by Design," *Catalyst - Leading Creative Economics*, no. 12 (Summer/Falll 2013): 2.

464 Ibid., 3.

rates in Medellin have dropped by 80 percent since their peak in 1991.[465] Medellin is still vulnerable to violence and some argue that other factors have caused the city's drop in violent crime.[466] Nevertheless, Medellin's security transformation has been recognized worldwide, offering the prospect that security can be improved by design.

D. SUMMARY OF FINDINGS

The purpose of this thesis was to identify the causes of violent crime in post-conflict Guatemala. Furthermore, it sought to evaluate transnational implications for U.S. policymakers. While accounts of violent crime in Guatemala are widely available, theories for understanding and resolving the nation's violence problem are rare. Hence, this research contributes to the conceptualization of causes of violence and crime exclusively for Guatemala. Through the study of theoretical frameworks and thematic arguments, this work initially hypothesized that a combination of weak institutional performance and a lack of social incentives caused violent crime in Guatemala. The baseline for the hypothesis was the evaluation of Guatemala's democratic system. A preliminary analysis demonstrated that Guatemala is not a consolidated democracy; more specifically, drawing from Schedler's theoretical framework, Guatemala is a *completing democracy*—an electoral democracy moving toward liberal democracy. A selection of possible arguments supporting the hypothesis led to four areas of study: the judicial system, police reform, civilian control over the military, and social factors.

This thesis determined that a flawed judicial system, inadequate police reform, and weak civil control over the armed forces have a direct causal effect on violent crime in Guatemala. Furthermore, the analysis of social factors demonstrated that these are not causal in nature but rather influential elements in the occurrence of violence; at a minimum, key societal variables and violent crime share a correlational relationship that is cyclical and mutually reinforcing. These findings are illustrated in Figure 10.

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[465] Sibylla Brodzinsky, "From Murder Capital to Model City: Is Medellín's Miracle Show or Substance?," *The Guardian*, April 17, 2014, http://www.theguardian.com/cities/2014/apr/17/medellin-murder-capital-to-model-city-miracle-un-world-urban-forum.
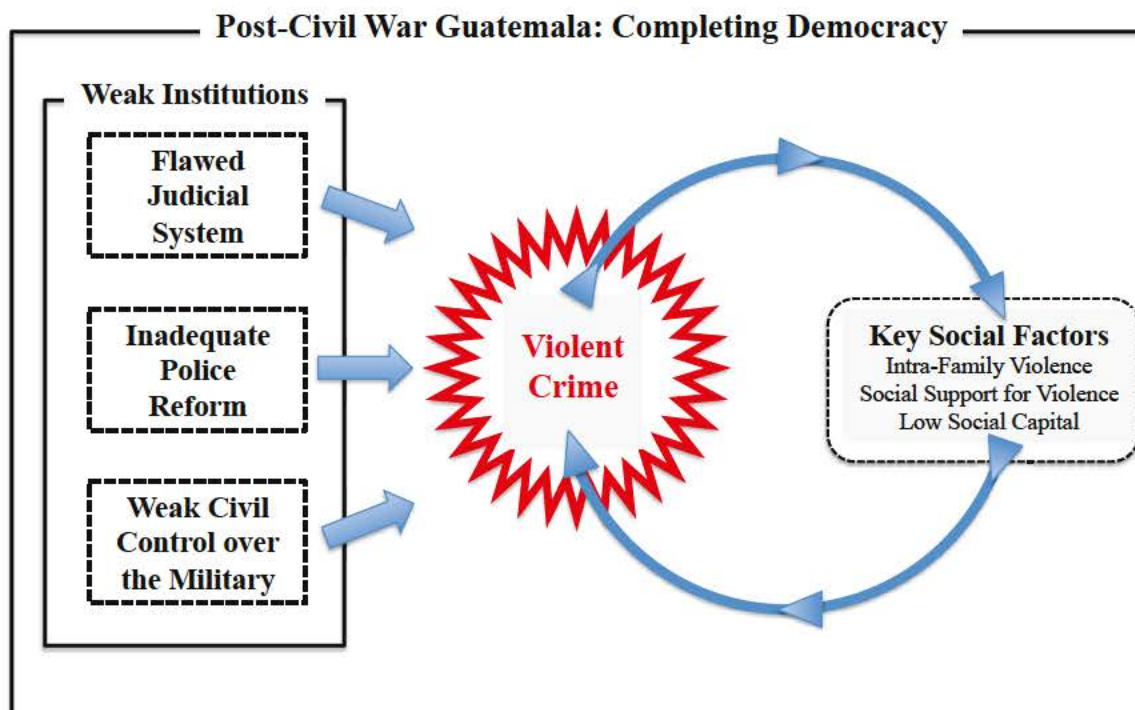
[466] Ibid.

Figure 10.   Causes of Violent Crime in Guatemala

This study emphasizes the role of weak democratic governance in the high incidence of violent crime in Guatemala. In this conceptualization, weak institutions are the independent variables and violent crime is the dependent variable. Nevertheless, as the diagram demonstrates, this structure is more complex than the stated binary relationship. Therefore, it is also necessary to recognize the influence of other socioeconomic factors—intra-family violence, citizen support of violence, and lack of social capital—on Guatemala's security structure. In this context, further work is needed to fully understand the implications of these secondary and tertiary elements. Finally, this thesis calls for action at the institutional and strategic levels, identifying opportunities and making recommendations for U.S. and Guatemalan policymakers to mitigate one of Guatemala's most critical problems, citizen security.

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